

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION



Board of Zoning Appeals Staff Reports 2021

Monday, April 19, 2021

7:00 P.M.

City Hall Forum

2021 Board of Zoning Appeals Call to Order: Roll Call

Name	Term Expiration
Mark Brown	03/13/2024
James Burkhardt	03/31/2024
Rhonda Zimmers	01/06/2022
Dori Gaier	05/11/2022
Denise Williams	08/02/2022
Charles Harris	03/26/2022
Matthew Ryan	08/11/2023
Quorum - 4	

**Agenda
Board of Zoning Appeals
Springfield, Ohio
Monday, April 19, 2021
7:00 P.M.**

1. Call to Order

2. Roll Call

3. Approval of March 15, 2021 Meeting Minutes ACTION

4. Swearing In of Witnesses ACTION

5. Case #21-A-12 DISCUSSION
& ACTION

Request from Shawn Markley for a conditional use permit for cargo containers at 850 N Belmont Ave. in a C1-1, Intensive Commercial District

6. Case #21-A-13 DISCUSSION
& ACTION

Request from Shawn Markley for a variance from Chapter 1135.27 (e) for cargo containers in a front yard setback at 850 N Belmont Ave. in a C1-1, Intensive Commercial District

7. Case #21-A-19 DISCUSSION
& ACTION

Request from Shawn Markley for a variance from Chapter 1135.27 (e) for cargo containers exceeding 7% of the floor area of permanent structures on site at 850 N Belmont Ave. in a C1-1, Intensive Commercial District

8. Case #21-A-14 DISCUSSION
& ACTION

Request from Green Environmental Outreach for a conditional use permit for a community center (community garden) on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District

9. Case #21-A-15 DISCUSSION
& ACTION

Request from Green Environmental Outreach for a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District

10. Case #21-A-16 DISCUSSION
& ACTION

Request from Speakeasy Ventures for a conditional use permit for a carry out only restaurant at 366 Ludlow Ave. in a CN-2, Neighborhood Commercial District

11. Case #21-A-17

Request from Daniel Persinger for a conditional use permit for a community center (community garden) at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District

DISCUSSION
& ACTION

12. Case #21-A-18

Request from Daniel Persinger for a conditional use permit for a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District

DISCUSSION
& ACTION

13. Board Comments

DISCUSSION

14. Staff Comments

DISCUSSION

15. Adjourn – Next meeting is May 17, 2021

ACTION

BOARD OF ZONING APPEALS

**Springfield, Ohio
Monday March 15, 2021**

7:00 P.M.

Virtual Meeting

Meeting Minutes
(Summary format)

Chairperson Ms. Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. Charles Harris, Ms. Rhonda Zimmers, Mr. James Burkhardt, Ms. Denise Williams and Ms. Dori Gaier.

MEMBERS ABSENT: Mr. Mathew Ryan and Mr. Brown.

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator
Cheyenne Pinkerman, Community Development Specialist.

* * * * *

SUBJECT: Approval February 17, 2021 meeting minutes.

Ms. Gaier asked if the Board had any corrections or additions to add to the minutes.

Hearing none, Ms. Gaier asked the Board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Gaier asked if any opposed to voice nay. Hearing none, Ms. Gaier stated the minutes stand approved.

Case #21-A-08 Request from Toni Nail for a conditional use permit for a nail salon at 1146 E Home Road in a CO-1, Commercial Office District

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to open a nail salon. The tenant space is currently vacant. It is located in an office park.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and

shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes. It is an existing building.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem

necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes, it does.

RETURNED REPORTS FROM STAFF:

Service Department:	Recommend approval
Building Inspections:	Recommend approval; a certificate of occupancy and other permits made be required by the City of Springfield Building Department
Engineering Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant wished to speak.

Mr. Sunny Dhingra, 2760 Kilkenny Drive. Springfield, OH.

Mr. Dhingra explained the applicant planned to run a family business and it would not cause any issues.

Ms. Gaier asked if the board had any further questions for applicant. Hearing none, Ms. Gaier asked if there were any further questions or if anyone else wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Ms. Williams made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-08.

MOTION: Motion by Mr. Burkhardt to approve Case # 21-A-08 request from Toni Naill for a conditional use permit for a nail salon at 1146 East Home Road. Seconded by Ms. Zimmers.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There are no complaints.
2. The use fits the area.
3. There is enough parking to accommodate guests.

YEAS: Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Ms. Williams and Ms. Gaier.

NAYS: None.

Motion approved 5 to 0.

Case #21-A-09 Request from Springfield Animal Hospital for a conditional use permit for a veterinary clinic at 2200 N Limestone Street in a CC2, Community Commercial District.

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to open a veterinary clinic in a vacant tenant space. The clinic is currently located at 2126 N limestone St and the applicant states they have outgrown their current space.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: *It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: *Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: *Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: *Yes. It is an existing building.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: *Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: *It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: *Yes, it does.*

RETURNED REPORTS FROM STAFF:

Service Department:	Recommend approval
Building Inspections:	Recommend approval; building code issues that arrive will be addressed during the permit process.
Engineering Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Zimmers questioned what the neighboring business was.

Mr. Thompson stated he was not sure but believed it's something in the medical field.

Ms. Zimmers asked if there were any complaints or concerns from neighbors.

Mr. Thompson stated there were none and explained there were several empty spaces in the shopping center. Mr. Thompson stated even if there wasn't, parking would not be an issue.

Ms. Zimmers explained her concern was more about the animals being loud and causing issues for the other businesses

Mr. Thompson stated there were no concerns about noise.

Ms. Zimmers asked if there had been any discussion about using the outdoor area for the animals. Ms. Zimmers questioned if animals would be staying there.

Mr. Thompson stated there had not been any mention of it but was unsure if that was a plan.

Ms. Williams questioned if the animals would be getting surgery.

Ms. Gaier suggested those questions would best be answered by the applicant or the applicant's agent. Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant or the applicant's agent wished to speak.

Ms. Evelyn Pillion, 2126 North Limestone Street, Springfield, OH.

Ms. Pillion explained they had outgrown the building they were in. Ms. Pillion explained the building was built and designed for a one and a half doctor practice. Ms. Pillion explained there were three doctors working there and the potential of a fourth one. Ms. Pillion explained they really needed the extra space to provide adequate care. Ms. Pillion explained there has been an upswing in business.

Mr. Burkhardt questioned if there would be anything outside.

Ms. Pillion explained there will be nothing outside. Ms. Pillion explained if an animal was hospitalized the animal would be taken out to the nice grassy area next the business.

Ms. Williams asked the pets would be kept overnight after surgery.

Ms. Pillion explained most of the surgeries they do were same day surgeries.

Ms. Williams questioned where they were located.

Ms. Pillion explained they were next to O'Conner's Irish Pub.

Ms. Williams stated that was nice because it was close.

Mr. Dhingra stated he was not representing the applicant. Mr. Dhingra just wanted the board to know that he was neighbors with the applicant and they are very clean and friendly.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

MOTION: Ms. Zimmers made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-09.

MOTION: Motion by Ms. Zimmers to approve case# 21-A-09 request from Springfield Animal Hospital for a conditional use permit for a veterinary clinic at 2200 N. Limestone Street in a CC-2, Community Commercial District. Seconded by Mr. Burkhardt.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. Neighbors showed support and were in favor of the business expanding.
2. There is no opposition.
3. The location would be a good fit.

YEAS: Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Ms. Williams and Ms. Gaier.

NAYS: None

Motion approved 5 to 0.

Case #21-A-10 Request from Mariana Collazo for a variance from Chapter 1101.03 to allow an accessory structure on a residential lot without a principal structure at 2502 Lagonda Avenue in a RS-8, Medium-Density, Single-Family Residence District.

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance to allow an accessory structure on a residential lot without a principal structure. The parcel currently has a house and a large garage. The owner wants to split the parcel into two, leaving the house on one parcel and the garage on the other. The applicant states she moved from Springfield and the person she is selling the house to can't maintain the garage. The current owner would maintain ownership of the garage as she still has

use for it.

Chapter 1101.03 states “except for open off-street parking, an accessory use or structure shall not be located on a lot without a principal use to which it is accessory.”

Staff’s opinion is permitting the garage to be on a separate parcel would not benefit the neighborhood or community and would likely further lead to deterioration of the garage since the owner does not live in the city. It would be in the best interest of the city for the garage to remain on the same parcel as the house.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes. The parcel could remain intact keeping the garage and house on a single parcel.

2. Whether the variance is substantial;

Staff Comment: Yes.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: Yes. It is staff’s opinion that an out of town owner would not maintain the garage in a way that would benefit the community

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning

restrictions;

Staff Comment: No.

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

Staff Comment: Yes. The parcel could remain as is, keeping the house and garage on the same parcel.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: No.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Engineering Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

STAFF RECOMMENDATION:

Denial of the variance.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Gaier questioned if the lot was larger enough to split and keep proper setbacks and easements.

Mr. Thompson explained he had not seen a potential lot split but there should be enough room between the garage and the house to maintain current setbacks.

Ms. Gaier asked if the entrance to the second parcel would be off the dead end street.

Mr. Thompson stated that was correct.

Mr. Burkhardt asked what the garage was used for.

Mr. Thompson stated that would be a question for the applicant.

Ms. Williams asked if the garage was part of the sale.

Mr. Thompson stated the property had not sold yet but the applicant would be able to give more information.

Ms. Zimmers asked if there had been any other cases like this in the city. Ms. Zimmers stated she was concerned with setting a precedent in the city.

Mr. Thompson stated he could not recall any similar cases, at least not in the last twelve years.

Ms. Zimmers questioned how many properties prior to the last twelve years that had two parcels, one with a structure and one with a house.

Mr. Thompson stated there were very few inside the city limits where you only find an accessory structure on a parcel.

Ms. Gaier explained she remembers accessory structure being added to a parcel but with intentions of a residential structure being built later on.

Mr. Thompson stated that was correct, mostly seen with community gardens.

Ms. Zimmers asked why some departments suggested approval.

Mr. Thompson explained the service center typically looks at water and sewer lines, since the existing structure doesn't really come into play. Same with fire, building and police, there really isn't much for them to comment on because there will be no future permits needed.

Ms. Gaier explained sometimes the departments are more of a not applicable response as far as an approve or disapprove stance.

Mr. Thompson stated that was correct.

Ms. Zimmers asked if there had been any comments from the community.

Mr. Thompson stated he had received some comments but no one in opposition.

Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, MS. Gaier asked if the applicant or the applicants agent wished to speak.

Ms. Mariana Collazo, 338 Burgoyne Street, Delaware, OH 43015.

Ms. Collazo explained she planned to sell the house to the current occupant, which is as friend. Ms. Collazo explained the occupant is a single mother working as a teacher and expressed she was interested in buying the house but did not want the barn upkeep.

Ms. Gaier questioned if the tenant maintained the residential structure and the applicant maintained the accessory structure.

Ms. Collazo stated that was correct.

Ms. Gaier asked if there one someone besides the resident in the home, that used the garage.

Ms. Collazo explained she uses the garage for wood working.

Ms. Williams stated the resident did not want to take care of the accessory structure.

Ms. Collazo stated that was correct, the building was very large.

Mr. Burkhardt questioned if a business was being ran out of the structure.

Ms. Collazo stated there was not a business being ran from there.

Mr. Burkhardt questioned if it was just for personal use.

Ms. Collazo explained she made live edge tables and her friends used the structure as well. Ms. Collazo explained she had a full time job and woodworking was a hobby.

Mr. Burkhardt questioned all the vehicles on the property.

Ms. Collazo stated the picture was not a recent photo.

Mr. Thompson confirmed the photo was from 2017.

Ms. Zimmers stated she was concerned about the resale of the lot and home in the future. Ms. Zimmers explained selling the structure with a residential zoning would be hard because someone would most likely want run a business out of it.

Ms. Williams agreed.

Mr. Thompson explained the structure could only be used for personal warehouse use and would not be able to be used as a business.

Ms. Kristin Suarez, 338 Burgoyne Street, Delaware, OH 43015.

Ms. Suarez explained if the entire property is sold to the single mother, the structure would not be taken care of and would eventually deteriorate. Ms. Suarez explained the single mother did not have the capabilities to maintain the structure. Ms. Suarez they would maintain the property. Ms. Suarez said they live an hour and twenty minutes away but traveled to Springfield often. Ms. Suarez explained the structure was a pole barn and there was much upkeep needed. Ms. Suarez

stated nothing would change aesthetically, it would just be a change on paper. Ms. Suarez explained they are getting the variance so the structure is allowed on the property without a residential structure so resale would not be an issue if they get the variance. MS. Suarez explained getting a property in Delaware, Ohio with a pole barn on the property, would not be affordable. Ms. Suarez explained it's worth the drive to work on the hobby.

Ms. Gaier asked if the board had any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

MOTION: Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-10.

MOTION: Motion by Ms. Zimmers to approve Case #21-A-10 Request from Mariana Collazo for a variance from Chapter 1101.03 to allow an accessory structure on a residential lot without a principal structure at 2502 Lagonda Avenue in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Burkhardt.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There are no opposition or complaints.
2. Approval would set a precedence for future cases.
3. The applicant mentioned selling the property to a friend who could not maintain the barn, pole barn could still be maintained if lot was not split.

YEAS: None.

NAYS: Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Ms. Williams and Ms. Gaier.

Motion approved 5 to 0.

Case #21-A-11 Request from Kettering Network Services for a variance from Chapter 1150 to locate a generator in a front yard setback at 2300 N Limestone Street in a CC-2, Community Commercial District.

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance to construct an emergency generator in a front yard setback along E Home Road near the bike path. Kettering Health plans to construct an outpatient medical facility in the former grocery store. The generator is required by the state for a freestanding emergency department. The applicant states the proposed location in the setback along E Home Road is necessary to maintain access and room to maneuver to the dock on the east side of the

structure. The generator will be placed approximately seven feet from the E Home Road property line.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

8. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes. It could be placed elsewhere on the property.

9. Whether the variance is substantial;

Staff Comment: Yes.

10. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: No.

11. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

12. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: No.

13. Whether the property owner’s predicament can be obviated through some method other than a variance; or

Staff Comment: Yes. It could be placed elsewhere on the property

14. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Engineering Division: Recommend denial; this location would conflict with future bridge construction and maintenance.

Fire Department: Recommend approval

City Manager's Office: Recommend approval

STAFF RECOMMENDATION:

Approval of the variance with the condition the generator be screened with trees along E Home Road.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Williams asked if the area would be screened by trees or shrubs.

Mr. Thompson explained there are currently trees there but they plan to screen some more. Mr. Thompson explained the elevation would also help with the screening.

Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant or applicants agent wished to speak.

Mr. Richard Haas, Kettering Health Network, 3695 Southern Boulevard, Kettering, OH.

Mr. Haas thanked the board for listening to the variance request. Mr. Haas explained they were excited to repurpose the Kroger store into a medical facility. Mr. Haas explained they were excited to expand to Springfield. Mr. Haas explained Kettering Health network likes to know there is a future in expansion and the potential for expansion is in the back of the building. If the generator goes behind the building, it would significantly impact the future of expansion.

Mr. Chad Duran, 1217 8th Avenue, Fort Worth, TX.

Mr. Duran explained converting the building into something new and useful is a great opportunity for the community. Mr. Duran explained the front of the building faces North Limestone Street and the parking lot, the south side faces Home Road. Mr. Duran explained south side entrance is kind of an awkward approach into the building but the traffic light connection was important. Mr. Duran explained to the right of that entrance the company considered that a side yard. After talking with the city, they realized that was a front yard and that drastically increased the frontage. Mr. Duran explained they faced challenges in the back as well. Mr. Duran explained the emergency generator was required and essential if the power goes out. Mr. Duran explained the generator typically goes in the rear of the structure but that was not an option. Mr. Duran explained there would be a decorative screened wall that would completely conceal the generator for privacy and security. Mr. Duran explained they went through all the options of where the generator could be placed and the best location is in the southeast corner. Mr. Duran explained the specific setback they requested was based off of the trucks turning radius as they turn onto the property and backing up. Mr. Duran they used a program to go through all the options of placement. Mr. Duran explained it would screen the back half of the building as well.

Mr. Dave Montgomery, 2700 Stratacache Tower, Dayton, OH.

Mr. Montgomery explained they did look at a multitude of locations but this location made the most sense for sight functionality. Mr. Montgomery explained as far as the turning radius, it was the very minimum variance they could be asking for. Mr. Montgomery stated they had tried to mitigate the issues as much as possible and still have a functional sight and still maintaining a long term option for the property. Mr. Montgomery explained added the medical field will help tremendously with EMS services.

Mr. Haas explained they would have first class landscaping on sight as well. Mr. Haas explained the generator would have a system on it that would help keep it quiet.

Ms. Gaier asked if the board if they had any questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing,

MOTION: Mr. Burkhardt made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-11.

MOTION: Motion by Ms. Zimmers to approve case #21-A-11 Request from Kettering Network Services for a variance from Chapter 1150 to locate a generator in a front yard setback at 2300 N Limestone Street in a CC-2, Community Commercial District. Seconded by Mr. Burkhardt.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It is a great addition to the community.
3. The applicants stated the generator will be quiet.
4. It alleviates another vacant building in the city.

YEAS: Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Ms. Williams and Ms. Gaier.

NAYS: None.

Motion approved 5 to 0.

Board Comments: None.

Staff Comments: Mr. Thompson discussed Covid-19 protocols for in person meetings.

Subject: Adjournment

Mr. Williams made a motion to adjourn the meeting. Seconded by Mr. Harris.

Ms. Gaier adjourned the meeting at 8:15 p.m.

Ms. Dori Gaier, Chairperson

Ms. Denise Williams, Vice-Chairperson

Agenda Item # 5

Case #21-A-12

Variance

STAFF REPORT

TO: Board of Zoning Appeals

DATE: April 14, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-12

GENERAL INFORMATION:

Applicant: Shawn Markley, 850 N Belmont Ave., Springfield, OH 45503

Owner: S Singh, 501 Ridgeview Ct., Springfield, OH 45504

Purpose: For a conditional use permit – cargo containers

Location: 850 N Belmont Ave

Size: 0.22 acre

Existing Land Use and Zoning: Automobile Oriented, zoned CI-1

Surrounding Land Use and Zoning: North: Commercial & Residential, CN-1 & RS-8
East: Manufacturing, M-1
South: Residential, RS-8
West: Commercial, CC-2

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses
Chapter 1135.27 Cargo Containers

File Date: March 9, 2021

BACKGROUND:

The applicant seeks a conditional use permit to allow cargo containers on the property. The property is used for new and used tire sales and service. The containers are on site and are used to store tires. This prevents them from being exposed to the elements and harboring mosquitoes.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes, it does.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

STAFF RECOMMENDATION:

Approval of the conditional use permit.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

Agenda Item # 6
Case #21-A-13
Variance

STAFF REPORT

TO: Board of Zoning Appeals

DATE: April 14, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-13

GENERAL INFORMATION:

Applicant: Shawn Markley, 850 N Belmont Ave., Springfield, OH 45503

Owner: S Singh, 501 Ridgeview Ct., Springfield, OH 45504

Purpose: For a variance from Chapter 1135.27 to allow for cargo containers in a front yard setback

Location: 850 N Belmont Ave

Size: 0.22 acre

Existing Land Use and Zoning: Automobile Oriented, zoned CI-1

Surrounding Land Use and Zoning: North: Commercial & Residential, CN-1 & RS-8
East: Manufacturing, M-1
South: Residential, RS-8
West: Commercial, CC-2

Applicable Regulations: Chapter 1172.06 Variances
Chapter 1135.27 Cargo Containers

File Date: March 9, 2021

BACKGROUND:

The applicant seeks a variance from Chapter 1135.27 to allow for cargo containers in a front yard setback. The front yard setback in the CI-1 district is 20 feet from the property line.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes.

2. Whether the variance is substantial;

Staff Comment: Yes.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: No.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: No.

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

Staff Comment: Yes.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Fire Department: Recommend approval

Police Department Recommend approval

City Manager's Office: Recommend approval

STAFF RECOMMENDATION:

Approval of the variance.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

Agenda Item # 7
Case #21-A-19
Variance

STAFF REPORT

TO: Board of Zoning Appeals

DATE: April 14, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-19

GENERAL INFORMATION:

Applicant: Shawn Markley, 850 N Belmont Ave., Springfield, OH 45503

Owner: S Singh, 501 Ridgeview Ct., Springfield, OH 45504

Purpose: For a variance from Chapter 1135.27 to allow for cargo containers that are more than 7% of the floor area of permanent structures on the property

Location: 850 N Belmont Ave

Size: 0.22 acre

Existing Land Use and Zoning: Automobile Oriented, zoned CI-1

Surrounding Land Use and Zoning: North: Commercial & Residential, CN-1 & RS-8
East: Manufacturing, M-1
South: Residential, RS-8
West: Commercial, CC-2

Applicable Regulations: Chapter 1172.06 Variances
Chapter 1135.27 Cargo Containers

File Date: March 9, 2021

BACKGROUND:

The applicant seeks a variance from Chapter 1135.27 to allow for cargo containers that exceed 7% of the floor area of permanent structures on site. There are currently two containers on-site.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme

Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes..

2. Whether the variance is substantial;

Staff Comment: Yes.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: No.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: No.

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

Staff Comment: Yes.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend denial

Fire Department: Recommend approval

City Manager's Office: Recommend approval

STAFF RECOMMENDATION:

Approval of the variance.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

**FOR OFFICE USE ONLY**Case #: 21-4-12*13Date Received: 3/9/21Received by: STApplication Fee: \$ 853

Review Type:

☐ Admin ☐ CPB ☒ BZA**GENERAL APPLICATION****A. PROJECT**

1. Application Type & Project Description (attach additional information, if necessary):

CONDITIONAL USE2. Address of Subject Property: 850 N. BELMONT AVE; SPFLD OH 45503

3. Parcel ID Number(s): _____

4. Full legal description attached? ☐ yes ☐ no

5. Size of subject property: _____

6. Current Use of Property: SALE OF NEW + USED TIRES7. Current Zoning of Property: CI1**B. APPLICANT**1. Applicant's Status (attach proof of ownership or agent authorization) ~~Owner~~☐ Agent (agent authorization required) ☒ Tenant (agent authorization required)2. Name of Applicant(s) or Contact Person(s): SHAWN MARKLEYTitle: CEOCompany (if applicable): QUALITY TIRE + AUTO LLCMailing address: 850 N BELMONT AVECity: SPRINGFIELD State: OH ZIP: 45503Telephone: (937) 707-6239 Fax: () _____Email: qualitytirellc@gmail.com

3. If the applicant is agent for the property owner:

Name of Owner (title holder): SATWANT SINGH

Mailing Address: 915 N BELMONT AVE

City: SPRINGFIELD State: OH ZIP: 45503

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**


Signature of Applicant

Signature of Co-applicant

SHAWN MARKLEY / CEO
Typed or printed name and title of applicant

Typed or printed name of co-applicant

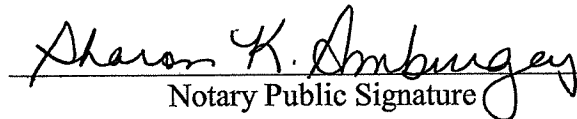
State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 25th day of
February, 2021

by Shawn Markley (name of person acknowledged).

(seal)


Notary Public Signature

My commission expires: June 29, 2023



CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 2-19-21

Property address: 850 N. BELMONT AVE; SPFLD OH 45503

Requested Action: ☒ Conditional Use
☐ Interpretation of the Zoning Code or Map
☐ Change of a Nonconforming Use
☐ Other

Section of the Zoning code applicable: 1135.27

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

STORE TIRES TO KEEP OUT OF WEATHER

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

CARGO CONTAINER FOR TIRE STORAGE

Signature: _____

Applicant

2/25/2021

Date

Please Print Name: _____

SHAWN MARKLEY



Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

PROPERTY OWNER AFFIDAVIT (IF NECESSARY)

Address: 850 N. Belmont Ave. Springfield OH 45503
Parcel No.: _____
Acreage: _____

Agent Name: Gurwinder Singh Casualty Tire Shop
Agent Tax Mailing Address: 915 N. Belmont Ave. Springfield Ohio 45503

Agent Phone Number: 937-346-7629

Owner Name: S. Singh
Owner Tax Mailing Address: 501 Ridgeway Ct Springfield Ohio 45504

Owner Phone Number: 937-367-3019

Requested Action
(to be conducted by
Agent, authorized by
owner):

I hereby certify that:

I am the property owner of record. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property owner
signature:

Printed name:

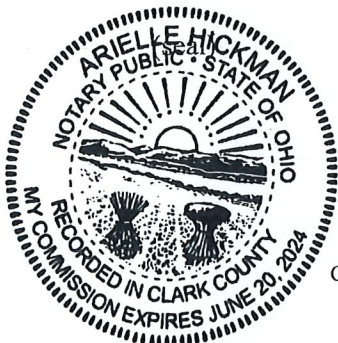
Date:

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 3rd day of March, 2021
by Satwant Singh (name of person acknowledged).

Arielle Hickman
Notary Public Signature

My commission expires: June 20th, 2024





CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 2-19-21

Property address: 850 N BELMONT AVE, SPFLD OH 45503

Section of the Zoning code applicable: _____

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

CARGO CONTAINER FOR TIRE STORAGE

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

CONTAINERS USED TO STORE TIRES
TO KEEP OUT OF WEATHER AND
CONTROL PEST IN SPRING + SUMMER

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

YES

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

YES IT IS NOT SUBSTANCIAL

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

NO

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

NO

5. The property owner was not aware of the zoning restrictions when purchasing the property.

YES

6. There is no other feasible method of solving the property owner's predicament.

NO

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

YES

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.


Signature of Applicant

Signature of Co-applicant

SHAWN MARKLEY / CEO
Typed or printed name and title of applicant

Typed or printed name of co-applicant

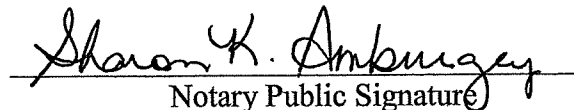
State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 25th day of February, 2021

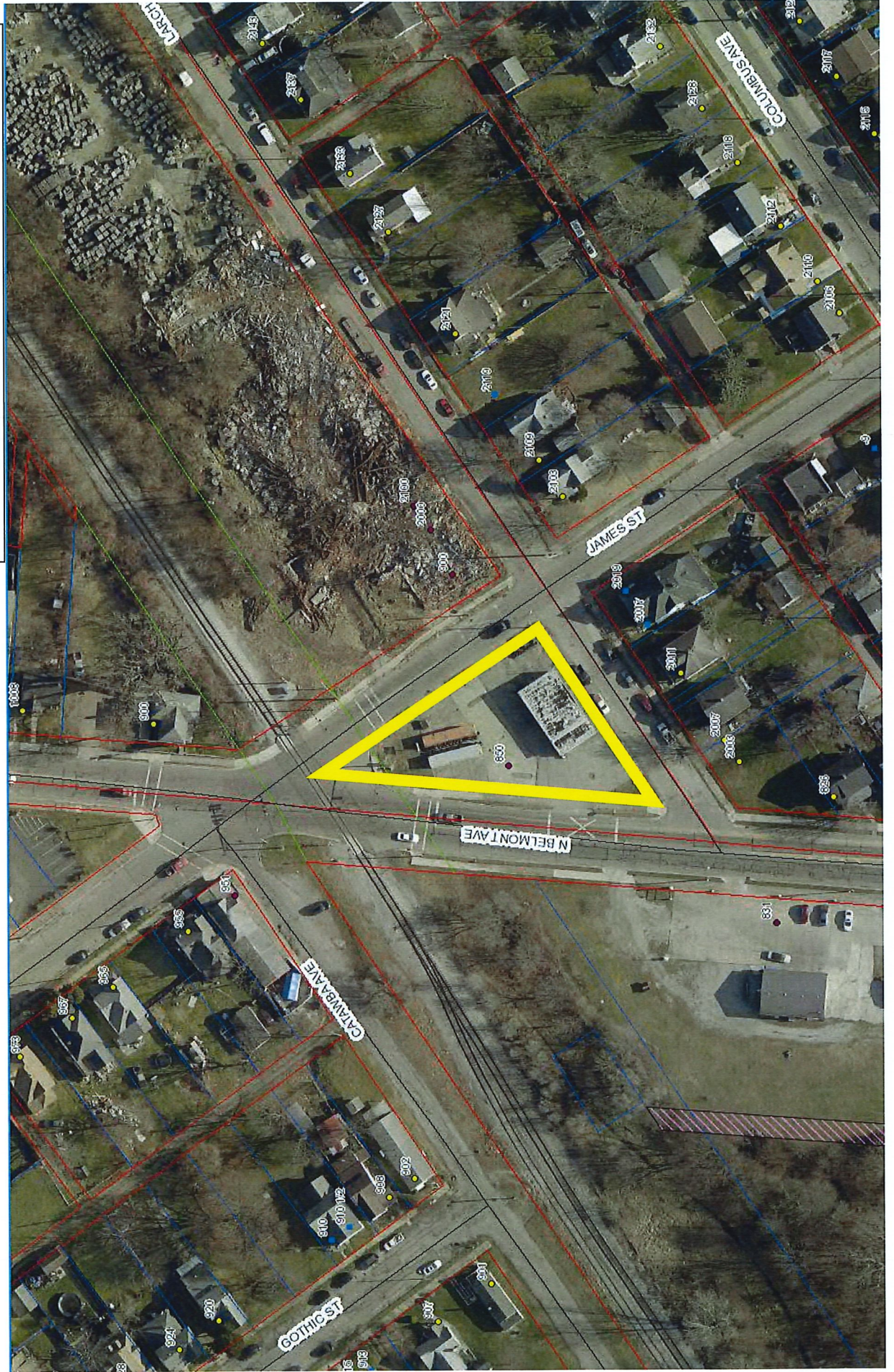
by Shawn Markley (name of person acknowledged).

(seal)

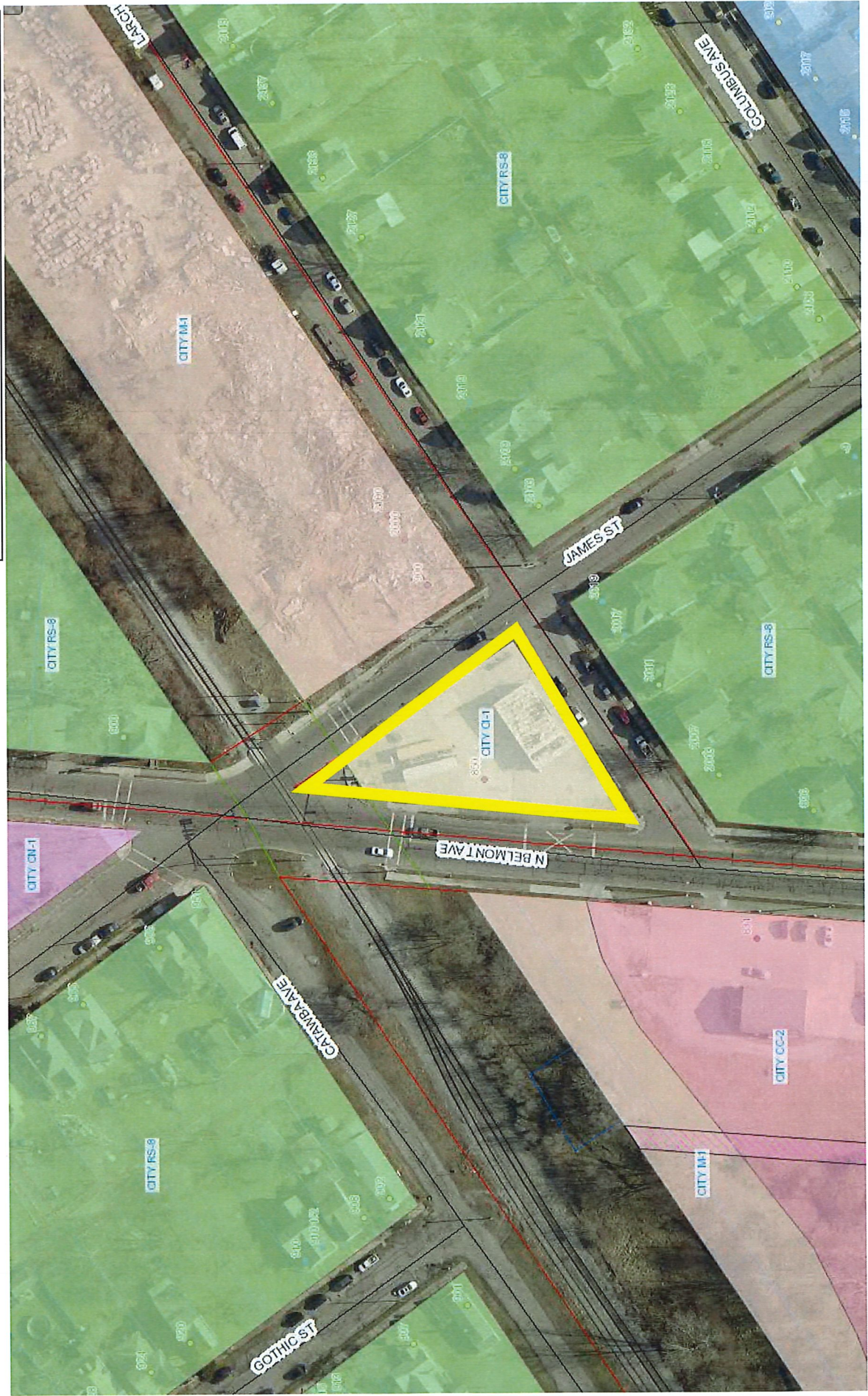

Notary Public Signature

My commission expires: June 29, 2023

#21-A-12, 13 & 19
850 N Belmont Ave.



#21-A-12, 13 & 19
850 N Belmont Ave.





Agenda Item # 8

Case #21-A-14

Conditional Use

STAFF REPORT

TO: Board of Zoning Appeals

DATE: April 14, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-14

GENERAL INFORMATION:

Applicant: Green Environmental Outreach, 604 Zeller Dr., Springfield, OH 45503

Owner: Green Environmental Outreach, 604 Zeller Dr., Springfield, OH 45503

Purpose: For a conditional use permit – community center (community garden)

Location: S Plum St. – parcel # 3400600004406001

Size: 2.01 acres

Existing Land Use and Zoning: Undeveloped, zoned RS-8

Surrounding Land Use and Zoning: North: Commercial, RS-8
East: Residential, RS-8
South: Residential, RS-8
West: Residential, RS-8

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses
Chapter 1108.04 Conditional Uses

File Date: March 9, 2021

BACKGROUND:

The applicant seeks a conditional use permit to start a community garden.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes, it does.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

STAFF RECOMMENDATION:

Approval of the conditional use permit.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

**FOR OFFICE USE ONLY**

Case #: 21-A-14
Date Received: 3/9/21
Received by: ST
Application Fee: \$ 285
Review Type:
☐ Admin ☐ CPB ☒ BZA

GENERAL APPLICATION**A. PROJECT**

1. Application Type & Project Description (*attach additional information, if necessary*):

Community Gardens, Raised Beds, (20) used for produce and veggies.

2. Address of Subject Property: S.W. CORNER FAIR and S. Plum streets.

3. Parcel ID Number(s): 340-06-0004-406-001

4. Full legal description attached? ☒ yes ☐ no

5. Size of subject property: 2 ACRE

6. Current Use of Property: Empty - NOT USED

7. Current Zoning of Property: R-8

B. APPLICANT

1. Applicant's Status (*attach proof of ownership or agent authorization*) ☒ Owner

☐ Agent (*agent authorization required*) ☐ Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): Angela Tyree

Title: Secretary

Company (if applicable): Green Environmental Outreach, Non Profit 501 c3.

Mailing address:
P.O. Box 3064

City: Springfield State: Ohio ZIP: 45501

Telephone: (937) 207-9540 Fax: () N/A

Email
greenenviromentaloutreach@gmail.com



CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 03/08/2021

Parcel ID: 340-06-00004-406-001
Property address: S.W. Corner Fair St. and S. Plum St. Springfield OH 45505

Requested Action: ☒ Conditional Use
☐ Interpretation of the Zoning Code or Map
☐ Change of a Nonconforming Use
☐ Other

Section of the Zoning code applicable: R-8

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

Community Gardens Raised Beds.

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

See Attached for full use of space.

SPRINGFIELD CITY APPLICATION LETTER TO DISCRIBE THE CONDITIONAL USE OF THE PROPERTY THAT IS NOT IN THEIR R-8 CODE FOR ZONING, RESIDEINCIAL.

Green Environmental Outreach (GEO) Nonprofit, 501 (c) 3. EIN -85-0548427.

Green Environmental Outreach (GEO) has formed an alliance with the neighborhoods, and community members to bring organic gardening into the area and begin a positive food Oasis on lots of land that have been abandoned by the previous owner. The opportunity to grow healthy food and bring this to the community is waiting for us to act. We have begun with a single lot and prepped it with the basic earth and compost that the plants and seeds will thrive. Our first soil samples taken and tested have been assessed at good to grow any plant in the "back to Eden" style of garden. This tops the earth without disturbing the subsoil. Our team has come together in the first garden and grown enough in the month of October 2020 to yield a 5 pound of lettuce, kale and swiss chard to donate to the Rocking Horse Center. This satisfying venture leading our team to apply for the second two lots by the "Mow to Own" program directly adjacent to the lot we have.

*Property at Corner of S. Plum St. and Fair St. (donated to GEO at end of 2020)

Our opportunity was a donation of the 2 acres across the street from the previous owner, Thomas Lagos and family. The cement covered has not been used for many years and his donation has provided ample space to begin a raised bed urban farming space for the community neighborhood to engage in the self-sustaining opportunity to grow fresh produce.

About Us-

GEO has been working hard to develop partnerships within the community garden community to provide advice and the needed experience. These individual groups have played a role in our start of the garden on S. Plum.

Springfield Promise and the Master gardening experience of once Springfield native who currently lives in California, and travels to Ohio a couple times a year for family.

Other support has come from the OSU Extension program, Pam Bennet who has hired one of our team to become a community coordinator and begin with 10 hours a week to get the neighborhood and youth involved with the gardens.

Our partnerships have a positive relationship with other Nonprofits with like-minded missions for health and wellness for nutrition and the introduction of gardening into the community. These groups are the following:

Heart Healthy Now, The Rocking Horse Center, Bass-Smith connection, Conscious Connect and Springfield Promise.

We have had many company contributions with the trucking from Harris trucking bringing the soil, compost and mulch to Company Consulting Group providing capital for startup costs. The Nonprofit Heart Health Now provided the Mow to Own application fees and OSU Extension program providing our

team with initial community coordinator support. The Social Media support was donated by The Lower Bill Production Company has begun to use the Go-Fund-Me to donate funds.

Plan for future of property-

We strive to align our mission around the community needs and provide education and support for the project through fund raising and community supported interest. We seek to provide the area of 45505 and 45506 with a place of pride and peaceful spirit of outreach to those in need.

Our plan for the 2 Acres cement lot across the street on S. Plum – the plan will be to begin a ¼ of the lot in an artist mural with the cooperation of the Project Jericho and other local artist such as Cheyanne Shuttleworth and Pete Hrinko advising as well. These groups/individuals have agreed to talk about the project at this time and agreed that it is a worthy consideration for the community. This type of mural would be placed on the current cement that runs the corner of S Plum Street and Fair St. to blanket the corner with the interest and community supported theme. The water collection benches, and other raised beds will be coordinated with color and theme style according to the community agreed upon ideas.

Once the artwork is begun the social media and community will be kept up to date on the progress by any means appropriate. Such as Newspaper and internet Social Media. The community support will drive the excitement of the space and provide interest of the neighborhood to play a role in the success of the ownership in the project.

The raised beds have been chosen to be a cinder block style to have a Non lead based food safe growing box. These blocks will be in total of 20 in and around the artist mural and in the ¼ of the lot. All within the workable distance of the water collection benches. The beds will be prepped and readied by the group and the work will also be asking the Service Days, United way to help in putting the beds into place.

The raised beds will all be offered to the community for interested families or individuals, and groups to participate in gardening in the first year. All progress and use of the garden will then be tracked by what is planted and the yields based on the family participation.

We are asking for a conditional use of the properties to be used for the Community Gardens in the Neighborhood by the Nonprofit GEO and the families or groups that are interested in participating in growing their own produce.

Kenneth Tyree CEO, Green Environmental Outreach

(614)-216-7395

greenenviromentaloutreach@gmail.com

APPROVED
Clark County Tax Map

DEC 07 2020

☒ Legal Description
☒ Survey Plat Locality
☒ Subdivision Association

Transferred
Sale Price 0

DEC - 9 2020
4361 BM

John S. Federer
Auditor



202000018036 12/09/2020 02:38 PM
Filed for Record in CLARK County, Ohio
Nancy Pence, Recorder Rec Fees: \$34.00
QC OR Vol 2182 Pgs 1563 - 1564

QUIT CLAIM DEED

LAGOS GROUP INC., an Ohio corporation of Clark County, Ohio, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, grants, to GREEN ENVIRONMENTAL OUTREACH, an Ohio Non Profit Corp, whose tax mailing address is 604 Zeller Drive, Springfield, Ohio 45503, the following real property:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

Auditor's Parcel No.: 340-06-0004-406-001

Prior Instrument Reference: Vol. 1745, Page 864. Official Records, Clark County, Ohio.

Known as: Plum Street, Springfield, Ohio.

Subject to all covenants, restrictions, easements, conditions and zoning regulations of record; and to the real estate taxes and assessments due and payable from the date of this instrument.

Executed this 4th day of December, 2020

LAGOS GROUP, INC

By: 

Thomas H. Lagos, Its President

STATE OF OHIO)
)SS
COUNTY OF CLARK)

Be it remembered that on this 4th day of December, 2020, before me a Notary Public, in and for said County and State, personally appeared the above-named LAGOS GROUP INC., SELLER, by THOMAS H. LAGOS, it's PRESIDENT, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed, and the free act and deed of the corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal this 4th day of December, 2020.



SAMUEL J. PETROFF Notary Public-State of Ohio
Attorney At Law

My Commission has no expiration date
Section 147.03 O.R.C.

THIS INSTRUMENT PREPARED BY
LAGOS & LAGOS, P.L.L.
5057 Troy Road, Springfield, Ohio 45502



202000018036

BK 2182 PG 1564

LEGAL DESCRIPTION

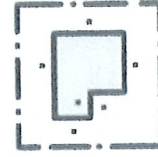
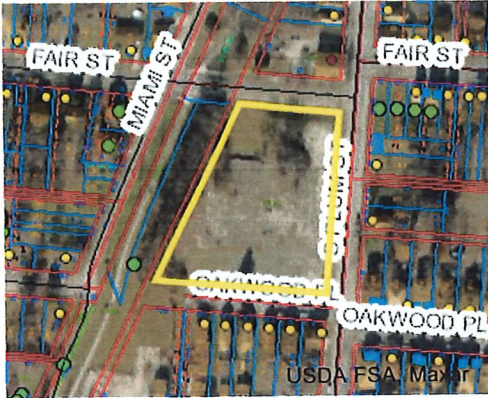
EXHIBIT "A"

Situated in the City of Springfield, County of Clark and State of Ohio; and bounded and described as follows:

Being a part of the southeast quarter of Section 4, Town 4, Range 9, M.R.S. Beginning at a stone monument at the point of intersection of the east line of lands formerly owned by the Little Miami Railroad Company with the south line of Fair Street, as the same was conveyed to the City of Springfield, Ohio, by Christopher Thompson by deed dated March 1, 1866, recorded in Volume 46, page 290, deed records of Clark County, Ohio; thence with the south line of Fair Street south 84 degrees forty-five minutes ($84^{\circ} 45'$) East 196.70 feet to a stake at the southwest corner of Fair and Plum Streets; thence with the west line of Plum Street south 4 degrees twenty-five minutes ($4^{\circ} 25'$) West 330.50 feet to the north line of the premises heretofore conveyed by the Miller Improved Gas Engine Company to the City of Springfield, Ohio for street purposes, by deed recorded in Volume 186, page 68, Deed Records, Clark County, Ohio; said street now being known as Oakwood Place; thence north $85^{\circ} 10'$ West along the North line of said Oakwood Place 321.8 feet to the east line of said premises formerly owned by the Little Miami Railroad Company; thence with said east line north 25 degrees 4 minutes ($25^{\circ} 4'$) East 354 feet to the place of beginning, containing 2.61 acres more or less together with all hereditaments, appurtenances, rights, privileges and easements thereunto belonging.



Report generated: Sunday, March 7, 2021
Parcel Report



Sorry, no sketch available
for this record

Base Data

Parcel Number: 3400600004406001
Owner Name: GREEN ENVIRONMENTAL OUTREACH
Property Address: S PLUM ST, SPRINGFIELD 45506

Legal

Neighborhood: 340C2000 Legal Acres: 2.01
Legal: S W COR FAIR Land Use: 300
Description: & PLUM STS INDUSTRIAL
VACANT LAND
Map Number: 0004-05
Class: I

Valuation

	Appraised	Assessed (35%)
Land Value:	\$17,590.00	\$6,160.00
Building Value:	\$0.00	\$0.00
Total Value:	\$17,590.00	\$6,160.00
CAUV Value:	\$0.00	
Taxable Value:	\$6,160.00	

Tax Credits

Homestead Exemption: No
2.5% Reduction: No

Land

Description	Effective Lot Size
UNDEVELOPED/RESIDUAL	

Act. Frontage	Acres	Sq. Foot	Value
	2.01	87,556	\$17,590.00

Land Totals

Effective Total Acres	2.01
Effective Total Square Footage	87,556
Total Value	\$17,590.00

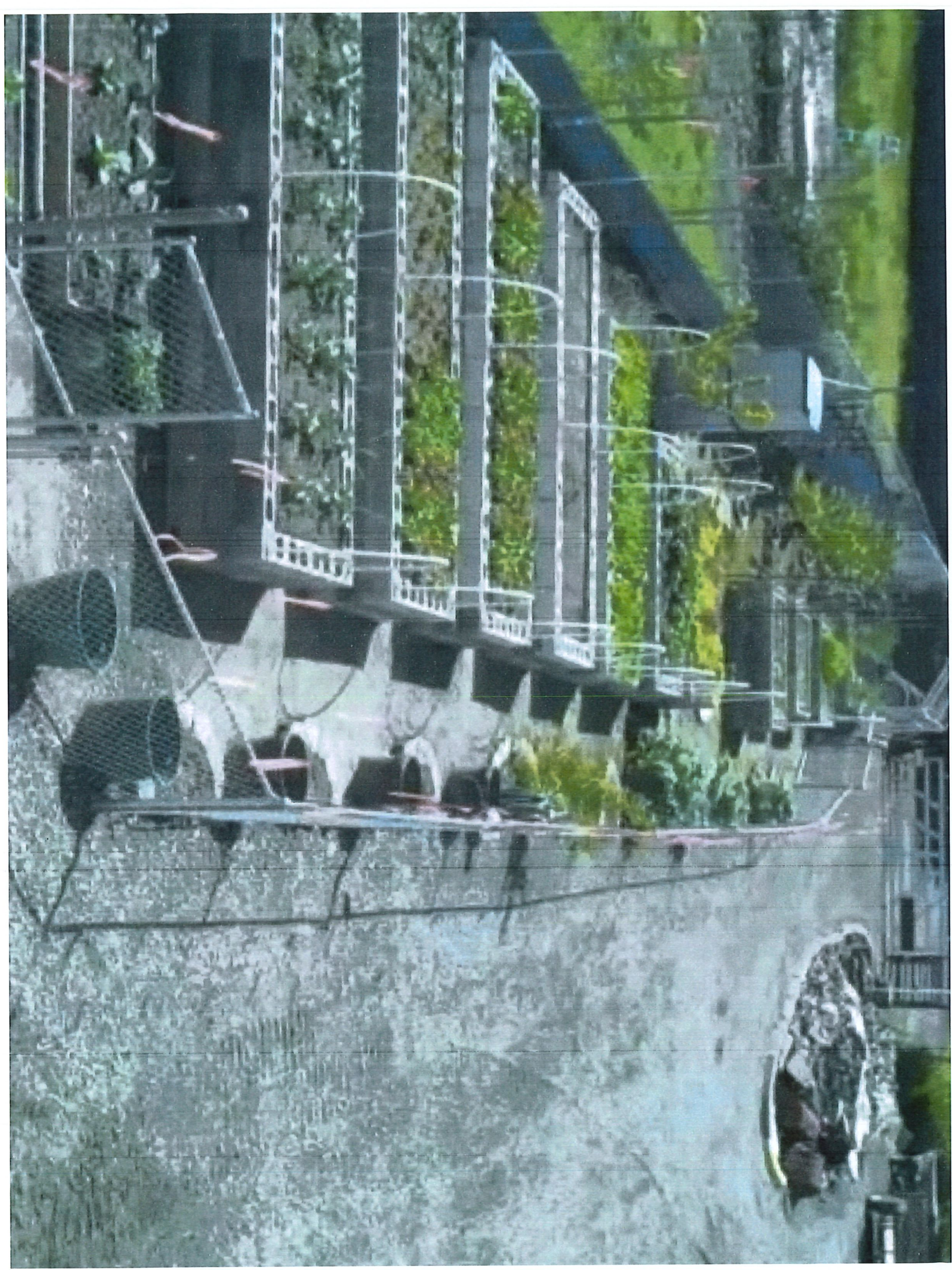
Valuation

	Appraised	Assessed (35%)
Land Value:	\$17,590.00	\$6,160.00
Building Value:	\$0.00	\$0.00
Total Value:	\$17,590.00	\$6,160.00
CAUV Value:	\$0.00	
Taxable Value:	\$6,160.00	

Sales

Sale Date	Sale Price	Seller	Buyer	Number of Parcels
12/09/2020		LAGOS GROUP INC	GREEN ENVIRONMENTAL OUTREACH	
09/28/2005	\$0.00	CRISWELL JEFFREY BRYAN	LAGOS GROUP INC	
06/16/2000	\$30,000.00	DEMANA VINCENT J & KATHERINE	CRISWELL JEFFREY BRYAN	

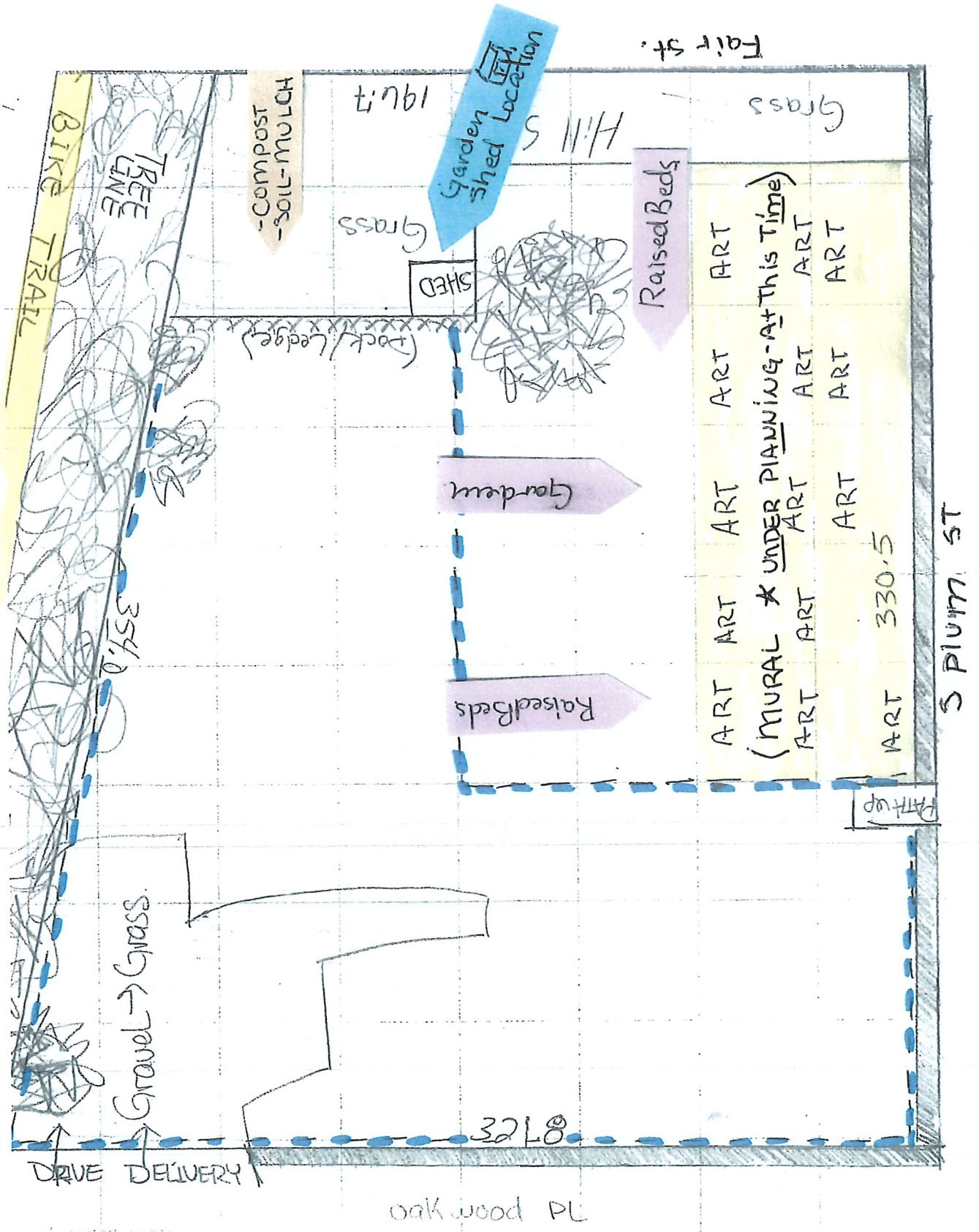
Clark County, Ohio



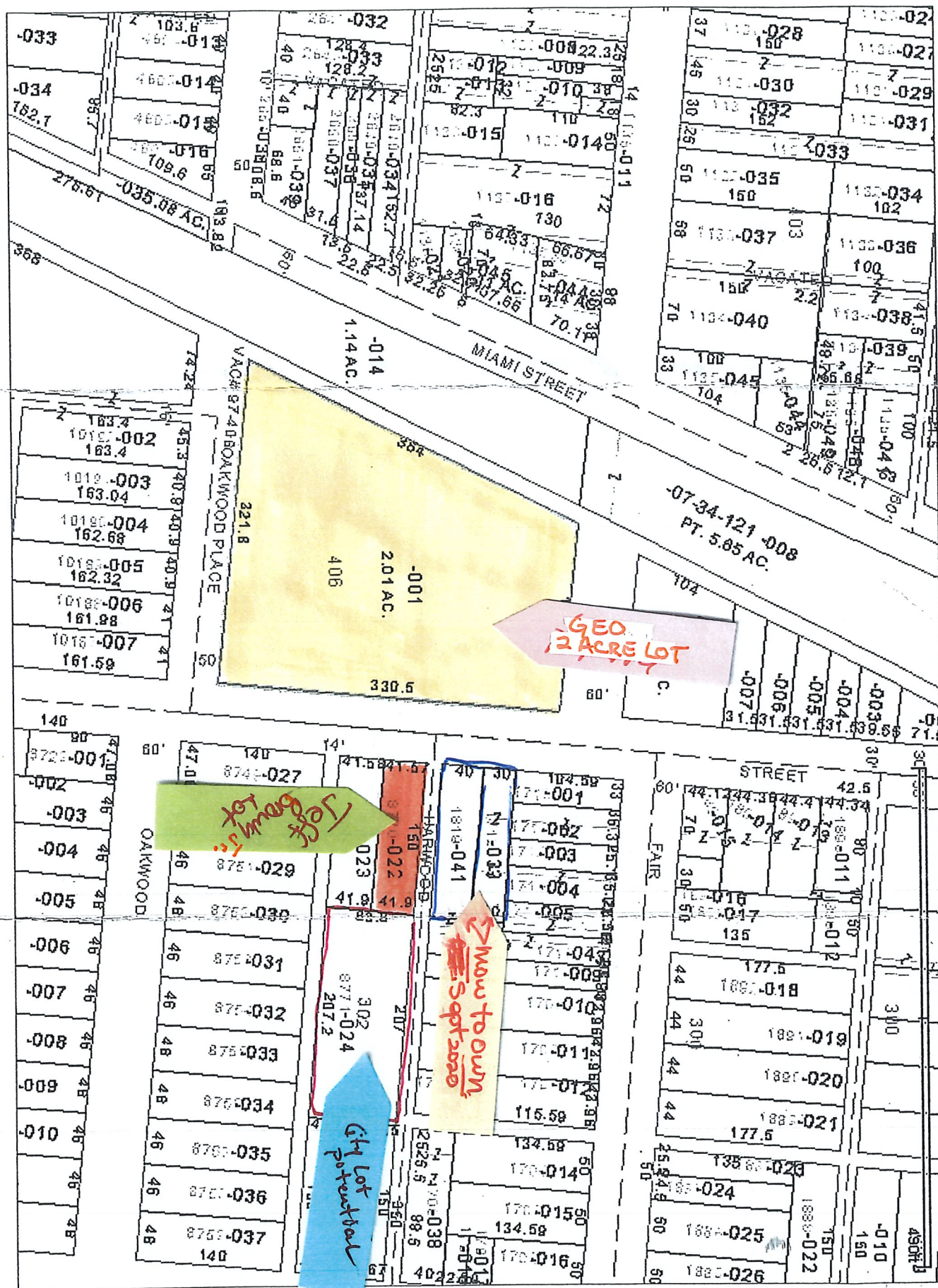
North

Nest
Miami St.

EAST



South.



Green Environmental Outreach Business Model

Chapter 1: General Business Plan

Overview

Green Environmental Outreach (*GEO*) is a Springfield based non-profit group founded by Kenneth Tyree. The group is focused on providing cost-free avenues to health and wellness made available to the city's historically disenfranchised communities and neighborhoods. Specifically, in an effort to proactively combat the food and medicine desert that is Springfield's Southwest quadrant, GEO has launched a cooperative initiative to transform abandoned properties into community gardens maintained by members of GEO. The gardens will provide healthy, organic, cost-free produce to individuals and families in the 45505 and 45506 zip codes. Historically speaking, the above-mentioned zip codes have had little access to opportunities to purchase produce, as these neighborhoods experience little commerce and have suffered from business flight over the past several decades. Furthermore, the lack of options to purchase healthy food in the district has been significantly compounded by a large grocery store that functioned as the district's primary source of purchasable food exiting the area and focusing on their business interests in the city's more affluent north side. This exit serves as analogue to how these neighborhoods have become incrementally disenfranchised, as businesses located in the district have either relocated to areas of higher average household income, or simply dissolved. The result of said disenfranchisement has disproportionately impacted the local population, resulting from lack of local resource, wealth, employment opportunity, and general quality of life.

To combat this lack of resource, GEO has identified, gained ownership of, and developed a cultivation plan for approximately 100,000 ft² of abandoned real estate at and around 741 S Plum St. The goal is to produce, at large scale, a cost-free, community-focused vegetable and medicinal herb garden that will distribute yielded products to local schools, families, and individuals. Through the relative networks of GEO members, vegetable and herb produce will be distributed via strategic partnerships with local elementary schools and public health organizations.

Our team's ability to draw from the vast pool of agricultural and business experience will allow us to operate an effective community garden operation in Springfield, Ohio. In addition, GEO intends to form a diverse Board of Directors to encourage inclusive and varied view points of the need for a community garden in the city's southwest quadrant. We are committed to cultivating the highest quality organically grown produce in a safe and clean environment for the citizens of Springfield, Ohio. As will be demonstrated by our business model, as well as our operations, quality assurance, and financial plans, our team has the necessary experience in agriculture and health related businesses to operate a non-profit entity that will cultivate high quality produce, while strictly complying with all state laws and municipal regulations.

GEO Team

Kenneth Tyree (Founder, Chair, Director)

Ken Tyree is a veteran, minority business owner, and Springfield resident. Among other ventures, Ken is the founder and CEO of the 501c3 entity Green Environmental Outreach (GEO). Additionally, Ken works in health care in Physical Medicine and has devoted a significant amount of time investigating the various metrics that dictate public health measures. Ken firmly believes that persons of every race, religion and financial status are entitled to healthy food and water.

Gerald Moore (President)

Gerald Moore is an entrepreneur, consultant, and creative digital marketer that enjoys creating brands. Additionally, he is well experienced creating incubation spaces for young creatives and entrepreneurs. His passion surrounding this work is result of his understanding of the importance of business ownership and storytelling, in order to create awareness about social justice and inequalities in underserved communities. His skills include creative strategy, leadership, technology, digital marketing, and community

development.

Gerald is a former NFL free agent, Ohio University scholar athlete, team captain and All-American. Gerald holds a BA in Healthcare Administration from Ohio University

Alex Lyons (Vice President)

Alex Lyons is a Springfield native who runs a "living soil" organic permaculture focused farm in Oroville, California. For the last 6 years he has been developing a food forest, which is the combined planting of perennial food and herbs, fruit and nut trees, and annual crops growing symbiotically to create a self-sustaining food system. He is passionate about his belief in the healing of the human body through plant-based food and medicine and is dedicated to the implementation of public health via natural means. Alex's role in GEO is head community garden coordinator and cultivation planner. He is enthused to bring the permaculture experience from his current farm back to the community that raised him. His goal is to educate others on the value of growing their own food and to empower the community to establish its wellness via natural and healthy produce. Alex also holds a Bachelor of Science degree in Entrepreneurship from Indiana University.

Brittany DeVese (Treasurer)

Brittany DeVese is a health administrative professional and home health care agency owner who works with veteran and geriatric communities to provide high-quality health care. Brittany believes that providing high-quality health care that is effective, patient-centered, safe, and accessible is essential in our increasingly aging society. Brittany has worked over 15 years in different health care arenas to gain experience in caring for the many stages of life, as a function of wellness. Brittany holds the degree Bachelor of Science in Public Health from Kent State University and the degree Master of Science in Health Care Administration from Walden University.

Angela Tyree (Secretary)

Angela Tyree is a Physical Therapist Assistant working with the Combat Veteran population for over 20 years. This patient population is a diverse group, made up of many age groups and social demographics. She believes that giving to her fellow man in ways of equality and diverse opportunities like gardening and healthcare will bring improved quality of life to the veterans she serves. Her skills include adaptivity with disabilities from age related changes as well as traumatic changes in the Veterans life. Angela enjoys incorporating wellness centered therapies into daily living, such as planting raised beds and general gardening, to improve overall quality of life for individuals.

Dr. Surender Neravetla (Board Member)

Dr. Surender Neravetla, a long term well known cardiac surgeon from Springfield Ohio, is passionate about changing the community's understanding of salt sensitivity and its intrinsic health risks affecting the African American community. He has lectured to all types of audiences across America and the Globe, appeared on TV, radio and print news media. Dr. Neravetla started the cardiac surgery program in Springfield in 1998. His excellence has earned this program several national recognitions for exceeding many national performance benchmarks. A renowned heart surgeon, Dr. Neravetla has been recognized by the consumer research council of America as one of "America's Top surgeons". Dr. Neravetla's greater mission is one of public service, not of profit. His style of education uses simple language, specially commissioned creative illustrations, and interesting stories based on sound, mainstream research leaving the listener convinced and motivated to take real measures to improve wellness.

Mary Moore (Board Member)

Mary Moore serves in a variety of leadership roles in the Springfield, Ohio chapter of Links, Incorporated (a national organization focused on the business and non-profit networking of African American Women). Retired after a notable career in social services, Mary served as Program Manager for Clark

County Family Services and Casework, and Clark County Welfare Department. Awarded the 2004 Community Service Work Mind, Body and Spirit Award for contributions recognized by the Ohio Commission of Minority Health and Elderly United of Springfield and Clark County, Inc. Mary also founded the Organization of Problem Pregnancy Services and is a proud member of AKA Sorority, Inc. Mary and her husband Robert remain in Springfield where they together reared a son, Robert II.

Jason Kabbes (Board Member)

Jason Kabbes has spent most of his professional career as a scientist, educator, and small business founder. Jason has significant horticultural, city planning, and business founding experience that will effectively contribute to the GEO's effort. Jason holds both a Master's Degree in Earth Science with a concentration in Geophysics from The Ohio State University. He has successfully designed and carried out large scale research projects with strict budgetary and temporal framework, under strict university and federal protocols. He petitioned for federal and state grant money for research and tuition costs, under the rigorous procedural and fiscal requirements mandated of an independent research scientist. Jason has founded several businesses in the healthcare space and has extensive experience working with regulatory bodies at both the municipal and state levels. In particular, Jason currently holds three business licenses under the authority of the Ohio Department of Commerce and the Ohio Board of Pharmacy, each requiring annual compliance audits and license renewal. Additionally, Jason is active in helping construct social justice initiatives related to competitive business licensing efforts in Illinois, New Jersey, and Massachusetts.

Jason Williams (Member)

Jason Williams is a 36-year-old Marine Combat Veteran and entrepreneur that owns multiple companies. His businesses span from digital marketing, music and film entertainment all the way to philanthropy works. He offers GEO nearly 20 years of experience. He is based out of Dayton, Ohio and is looking forward to providing continued support to Green Environmental Outreach's cause.

Jeffrey Brown Jr (Member)

Jeffrey Brown Jr is the Community Garden Leader with GEO. He is a 2012 graduate from Eastern Michigan University (EMU) with a Bachelor of Science in Criminal Justice with a concentration in Corrections. Jeff has a true passion for helping the future youth and properly guiding them in the structure and formal upbringing in becoming the next generation of promising world leaders and inventors. I and a few of my high school colleagues decided to come and bring our efforts together to help teach the youth about proper gardening and to promote a healthy nutritional lifestyle. Jeff's ultimate goal with GEO is to bring awareness to communities in the inner city about gardening and how to grow their own garden focused on improving the health of their local community.

501c3 BUSINESS MODEL

Mission Statement:

GEO's mission is to produce safe, consistent, high quality produce for the residents of Springfield, Ohio, while contributing to advancements in research and education regarding organic produce cultivation. Our group desires to promote community understanding of general wellness and nutrition, while contributing to the reduction of needless fatalities related to salt sensitivity and associated cardiovascular disease. Our focus is to constantly tailor both

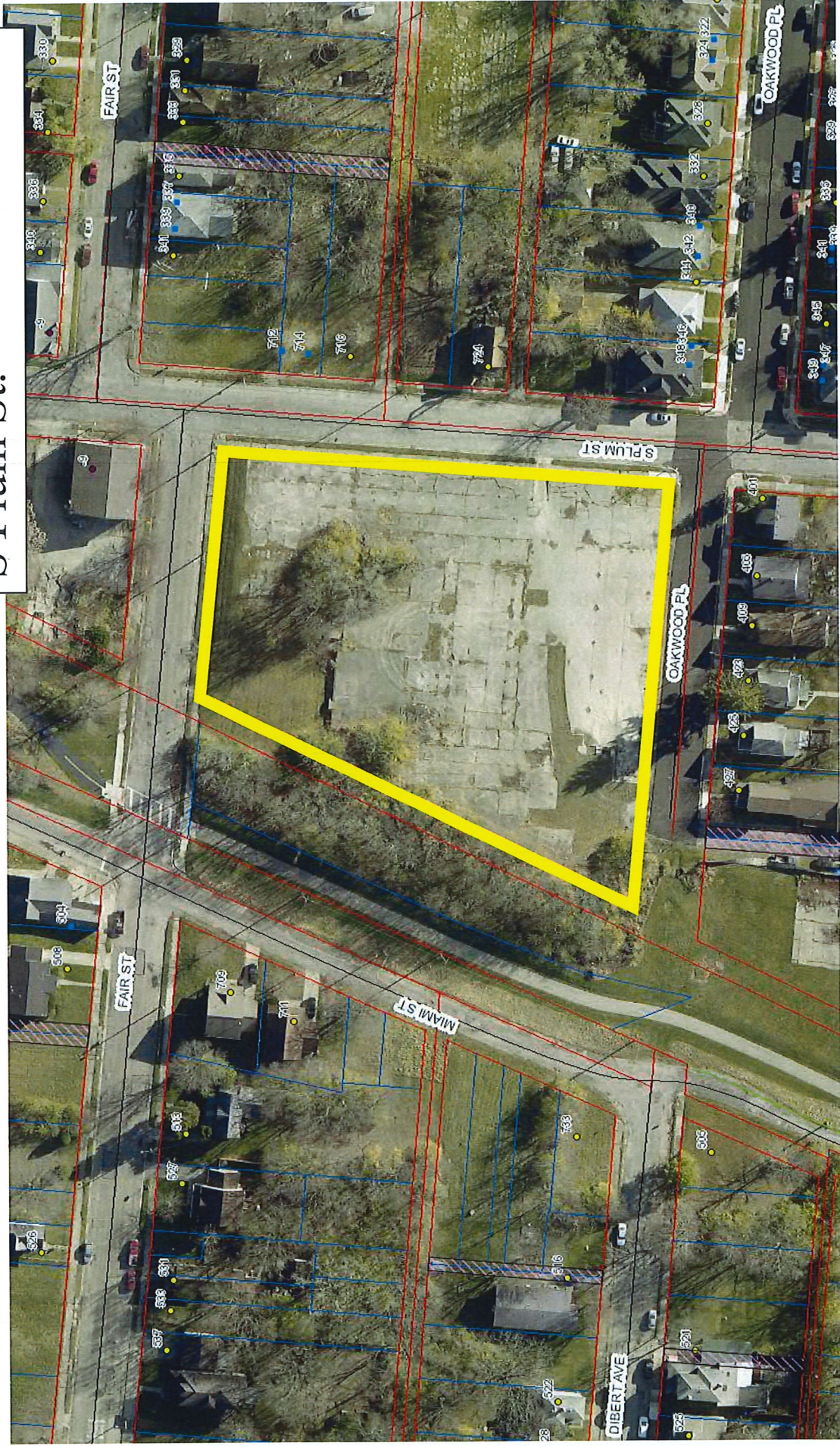
cultivation methodologies and a wide-spectrum of genetic varieties of produce that result in high yield, efficiently produced top-tier produce that best serves the citizenry of Springfield, while generating maximum return on investment for the community.

GEO's primary objective is to establish a 100,000ft² community garden producing highest quality produce in a manner consistent with applicable law and regulation. Additionally, we plan to distribute the garden's produce to families that would benefit from cost-free organic produce, with a focus on distribution to Springfield's predominantly African American neighborhoods, mitigating the intrinsic risk of the cardiovascular disease prone population. Along with developing unique cultivation methods (no-till living soil, heavy metal mitigation, symbiotic planting, etc.) we will work to build the project site into a community gathering space, focused on healthy living and developing a sense of neighborhood pride. Our key to success will lie in our ability to maintain efficient production, capitalize on collective experience, and strict adherence to the group's guiding principles: *social equity, selfless collaboration, and community wellness.*

Executive Summary:

GEO will build its project around highly skilled individuals in the healthcare, community service, horticultural research, and agricultural industries. The aim is to carry out intensive, high yield production, while avoiding over-production and other operational inefficiencies. During the non-winter seasons, the 501c3 will produce an uninterrupted supply of organically grown produce to the local community, thus building a statewide recognizable template that can be reproduced across Ohio. GEO is committed to the improvement of food production standards from a public health perspective, as well as its guarantee of safely consumable, medically sound produce. The group's personnel carry a unique skill set that will empower it to succeed as a community leader in food production. Led by the collective vision of Kenneth Tyree and Dr. Surender Neravetla, the group also carries the experience and knowledge of well-known Springfield community leader Mary Moore, master grower Alex Lyons, and health care professional Angela Tyree. This project will be SW Springfield based and will contribute to the supply of the local community. Its aim is to expand to phase 2 (200,000ft²), via a property acquisition of adjacent land by 2022. The financial capability to do immediate buildout and production relies on the success of winning grant proposals and raising local funds (philanthropically).

#21-A-14 & 15
S Plum St.



Agenda Item # 9
Case #21-A-15
Variance

STAFF REPORT

TO: Board of Zoning Appeals

DATE: April 14, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-15

GENERAL INFORMATION:

Applicant: Green Environmental Outreach, 604 Zeller Dr., Springfield, OH 45503

Owner: Green Environmental Outreach, 604 Zeller Dr., Springfield, OH 45503

Purpose: For a variance from Chapter 1101.03 to allow for accessory structures on a lot without a permanent structure

Location: S Plum St. – parcel # 3400600004406001

Size: 2.01 acres

Existing Land Use and Zoning: Undeveloped, zoned RS-8

Surrounding Land Use and Zoning: North: Commercial, RS-8
East: Residential, RS-8
South: Residential, RS-8
West: Residential, RS-8

Applicable Regulations: Chapter 1172.06 Variances
Chapter 1101.03 General

File Date: March 9, 2021

BACKGROUND:

The applicant seeks a variance from Chapter 1101.03 to allow for an accessory structure on a lot without a principal structure. The shed will be used to store tools and other equipment for maintaining the gardens.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances

involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes.

2. Whether the variance is substantial;

Staff Comment: Yes.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: No.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: No.

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

Staff Comment: Yes.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

STAFF RECOMMENDATION:

Approval of the variance.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

**FOR OFFICE USE ONLY**Case #: 21-A-15Date Received: 3/9/21Received by: STApplication Fee: \$ 57

Review Type:

☐ Admin ☐ CPB ☒ BZA**GENERAL APPLICATION****A. PROJECT**

1. Application Type & Project Description (attach additional information, if necessary):

Place of shed for gardening tools.2. Address of Subject Property: S.W. Corner FAIR and S. Plum streets3. Parcel ID Number(s): 340-06-0004-406-0014. Full legal description attached? ☒ yes ☐ no5. Size of subject property: 2 ACRE6. Current Use of Property: EMPTY - NOT USED7. Current Zoning of Property: R-8**B. APPLICANT**1. Applicant's Status (attach proof of ownership or agent authorization) ☒ Owner☐ Agent (agent authorization required) ☐ Tenant (agent authorization required)2. Name of Applicant(s) or Contact Person(s): Angela TyreeTitle: SecretaryCompany (if applicable): Green Environmental Outreach, Non profit 501c3

Mailing address:

P.O. Box 3064City: Springfield State: Ohio ZIP: 45501Telephone: (937) 207-9540 Fax: () N/A

Email

greenenvironmentaloutreach@gmail.com



CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: March 4, 2021

Property address: S.W. Corner Fair and S. Plum Streets (Backs to the Bike Trail.)

Section of the Zoning code applicable: R-8

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

A small shed on raised base to be placed on
Property to place items used for Gardening;

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

The Variance for the shed places a small
wooden structure with aesthetically pleasing
features and a small footprint on the
lot. To be used to house tools used in
the planting of Community Gardening.
The shed would not house any hazardous or
harmful chemicals. The location of shed will

occupancy to indicate any zoning. No known restrictions.

6. There is no other feasible method of solving the property owner's predicament.

The needs of the communal gardens require the storage of hand tools.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Yes.

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

Angela K Tyree
Signature of Applicant

Signature of Co-applicant

Angela K Tyree
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio
County of Ohio

The foregoing instrument was acknowledged before me this 8th day of March, 2021

by Angela K. Tyree (name of person acknowledged).
(seal)



DANIELLE M. SMITHERS
Notary Public, State of Ohio
My Comm. Expires September 13, 2021

Danielle M. Smithers
Notary Public Signature

My commission expires: Sept 13, 2021

SPRINGFIELD CITY APPLICATION LETTER TO DISCRIBE THE VARIANCE USE OF THE PROPERTY THAT IS NOT IN THEIR R-8 CODE FOR ZONING, RESIDEINCIAL.

Green Environmental Outreach (GEO) Nonprofit, 501 (c) 3. EIN -85-0548427.

Green Environmental Outreach (GEO) has formed an alliance with the neighborhoods, and community members to bring organic gardening into the area and begin a positive food Oasis on lots of land that have been abandoned by the previous owner. The opportunity to grow healthy food and bring this to the community is waiting for us to act. We have begun with a single lot and prepped it with the basic earth and compost that the plants and seeds will thrive. Our first soil samples taken and tested have been assessed at good to grow any plant in the "back to Eden" style of garden. This tops the earth without disturbing the subsoil. Our team has come together in the first garden and grown enough in the month of October 2020 to yield a 5 pound of lettuce, kale and swiss chard to donate to the Rocking Horse Center. This satisfying venture leading our team to apply for the second two lots by the "Mow to Own" program directly adjacent to the lot we have.

*Property at S.W.Corner of S. Plum St. and Fair St. (donated to GEO at end of 2020)

Our opportunity was a donation of the 2 acres across the street from the previous owner, Thomas Lagos and family. The cement covered has not been used for many years and his donation has provided ample space to begin a raised bed urban farming space for the community neighborhood to engage in the self-sustaining opportunity to grow fresh produce.

About Us-

GEO has been working hard to develop partnerships within the community garden community to provide advice and the needed experience. These individual groups have played a role in our start of the garden on S. Plum.

Springfield Promise and the Master gardening experience of once Springfield native who currently lives in California, and travels to Ohio a couple times a year for family.

Other support has come from the OSU Extension program, Pam Bennet who has hired one of our team to become a community coordinator and begin with 10 hours a week to get the neighborhood and youth involved with the gardens.

Our partnerships have a positive relationship with other Nonprofits with like-minded missions for health and wellness for nutrition and the introduction of gardening into the community. These groups are the following:

Heart Healthy Now, The Rocking Horse Center, Bass-Smith connection, Conscious Connect and Springfield Promise.

We have had many company contributions with the trucking from Harris trucking bringing the soil, compost and mulch to Company Consulting Group providing capital for startup costs. The Nonprofit Heart Health Now provided the Mow to Own application fees and OSU Extension program providing our team with initial community coordinator support. The Social Media support was donated by The Lower Bill Production Company has begun to use the Go-Fund-Me to donate funds.

Plan for future of property-

We strive to align our mission around the community needs and provide education and support for the project through fund raising and community supported interest. We seek to provide the area of 45505 and 45506 with a place of pride and peaceful spirit of outreach to those in need.

ART

Our plan for the 2 Acres cement lot across the street on S. Plum – the plan will be to begin a ¼ of the lot in an artist mural with the cooperation of the Project Jericho and other local artist such as Cheyanne Shuttleworth and Pete Hrinko advising as well. These groups/individuals have agreed to talk about the project at this time and agreed that it is a worthy consideration for the community. This type of mural would be placed on the current cement that runs the corner of S Plum Street and Fair St. to blanket the corner with the interest and community supported theme. The water collection benches, and other raised beds will be coordinated with color and theme style according to the community agreed upon ideas.

Once the artwork is begun the social media and community will be kept up to date on the progress by any means appropriate. Such as Newspaper and internet Social Media. The community support will drive the excitement of the space and provide interest of the neighborhood to play a role in the success of the ownership in the project.

RAISED BEDS

The raised beds have been chosen to be a cinder block style to have a Non lead based food safe growing box. These blocks will be in total of 20 in and around the artist mural and in the ¼ of the lot. All within the workable distance of the water collection benches. The beds will be prepped and readied by the group and the work will also be asking the Service Days, United way to help in putting the beds into place.

SHED

The gardening tools will need to be stored in a central location for use during the growing season. This will be located on the corner of the lot facing the Fair Street side, specifically at the corner of the block wall that once served as an entrance to loading dock.

PLANT/YIELDS

The raised beds will all be offered to the community for interested families or individuals, and groups to participate in gardening in the first year. All progress and use of the garden will then be tracked by what is planted and the yields based on the family participation.

We are asking for a Variance and Conditional use of the properties to be used for the Community Gardens in the Neighborhood by the Nonprofit GEO and the families or groups that are interested in participating in growing their own produce.

Kenneth Tyree CEO, Green Environmental Outreach

(614)-216-7395

greenenviromentaloutreach@gmail.com

APPROVED
Clark County Tax Map

DEC 07 2020

☒ Legal Description
☒ Survey Plat / Lotsplit
☒ Subdivision / Amortization

Transferred
Sale Price \$0

DEC - 9 2020
4361 BM

John S. Federer
Auditor

202000018036 12/09/2020 02:38 PM
Filed for Record in CLARK County, Ohio
Nancy Pence, Recorder Rec Fees: \$34.00
QC OR Vol 2182 Pgs 1563 - 1564

QUIT CLAIM DEED

LAGOS GROUP INC., an Ohio corporation of Clark County, Ohio, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, grants, to GREEN ENVIRONMENTAL OUTREACH, an Ohio Non Profit Corp, whose tax mailing address is 604 Zeller Drive, Springfield, Ohio 45503, the following real property:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

Auditor's Parcel No.: 340-06-0004-406-001

Prior Instrument Reference: Vol. 1745, Page 864, Official Records, Clark County, Ohio.
Known as: Plum Street, Springfield, Ohio.

Subject to all covenants, restrictions, easements, conditions and zoning regulations of record; and to the real estate taxes and assessments due and payable from the date of this instrument.

Executed this 4th day of December, 2020

LAGOS GROUP, INC

By: 

Thomas H. Lagos, Its President

STATE OF OHIO)
)SS
COUNTY OF CLARK)

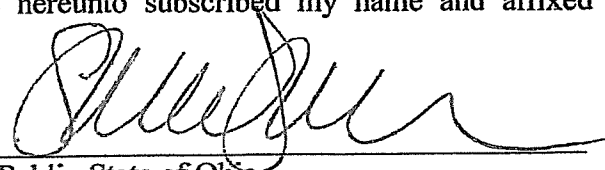
Be it remembered that on this 4th day of December, 2020, before me a Notary Public, in and for said County and State, personally appeared the above-named LAGOS GROUP INC., SELLER, by THOMAS H. LAGOS, it's PRESIDENT, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed, and the free act and deed of the corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal this 4th day of December, 2020.



SAMUEL J. PETROFF
Attorney At Law

My Commission has no expiration date
Section 147.03 O.R.C.


Notary Public-State of Ohio



202000018036

BK 2182 PG 1564

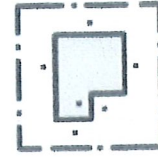
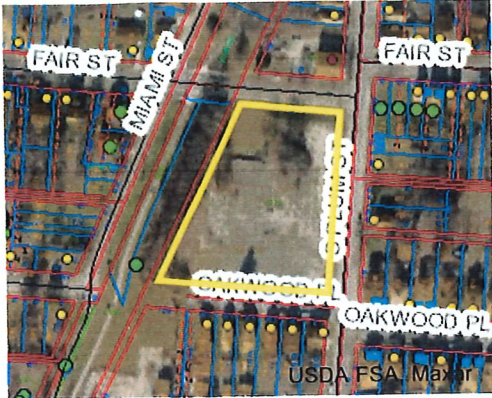
LEGAL DESCRIPTION**EXHIBIT "A"**

Situated in the City of Springfield, County of Clark and State of Ohio; and bounded and described as follows:

Being a part of the southeast quarter of Section 4, Town 4, Range 9, M.R.S. Beginning at a stone monument at the point of intersection of the east line of lands formerly owned by the Little Miami Railroad Company with the south line of Fair Street, as the same was conveyed to the City of Springfield, Ohio, by Christopher Thompson by deed dated March 1, 1866, recorded in Volume 46, page 290, deed records of Clark County, Ohio; thence with the south line of Fair Street south 84 degrees forty-two minutes ($84^{\circ} 42'$) East 196.70 feet to a stake at the southwest corner of Fair and Plum Streets; thence with the west line of Plum Street south 4 degrees twenty-five minutes ($4^{\circ} 25'$) West 330.50 feet to the north line of the premises heretofore conveyed by the Miller Improved Gas Engine Company to the City of Springfield, Ohio for street purposes, by deed recorded in Volume 186, page 68, Deed Records, Clark County, Ohio; said street now being known as Oakwood Place; thence north $85^{\circ} 10'$ West along the North line of said Oakwood Place 321.8 feet to the east line of said premises formerly owned by the Little Miami Railroad Company; thence with said east line north 25 degrees 4 minutes ($25^{\circ} 4'$) East 354 feet to the place of beginning, containing 2.01 acres more or less together with all hereditaments, appurtenances, rights, privileges and easements thereunto belonging.



Report generated: Sunday, March 7, 2021
Parcel Report



Sorry, no sketch available
for this record

Base Data

Parcel Number: 3400600004406001
Owner Name: GREEN ENVIRONMENTAL OUTREACH
Property Address: S PLUM ST, SPRINGFIELD 45506

Legal

Neighborhood: 340C2000 Legal Acres: 2.01
Legal: S W COR FAIR Land Use: 300
Description: & PLUM STS INDUSTRIAL
VACANT LAND
Map Number: 0004-05
Class: I

Valuation

Appraised Assessed (35%)
Land Value: \$17,590.00 \$6,160.00
Building Value: \$0.00 \$0.00
Total Value: \$17,590.00 \$6,160.00
CAUV Value: \$0.00
Taxable Value: \$6,160.00

Tax Credits

Homestead Exemption: No
2.5% Reduction: No

Land

Description: UNDEVELOPED/RESIDUAL
Effective Lot Size: 2.01

Act. Frontage	Acres	Sq. Foot	Value
	2.01	87,556	\$17,590.00

Land Totals

Effective Total Acres: 2.01
Effective Total Square Footage: 87,556
Total Value: \$17,590.00

Valuation

Appraised Assessed (35%)
Land Value: \$17,590.00 \$6,160.00
Building Value: \$0.00 \$0.00
Total Value: \$17,590.00 \$6,160.00
CAUV Value: \$0.00
Taxable Value: \$6,160.00

Sales

Sale Date	Sale Price	Seller
12/09/2020		LAGOS GROUP INC
09/28/2005	\$0.00	CRISWELL JEFFREY BRYAN
06/16/2000	\$30,000.00	DEMANA VINCENT J & KATHERINE

Buyer	Number of Parcels
GREEN ENVIRONMENTAL OUTREACH	
LAGOS GROUP INC	
CRISWELL JEFFREY BRYAN	

STORAGE IDEAS

Storage Shed

Skill Level: Advanced
Estimated time: 1 Weekend

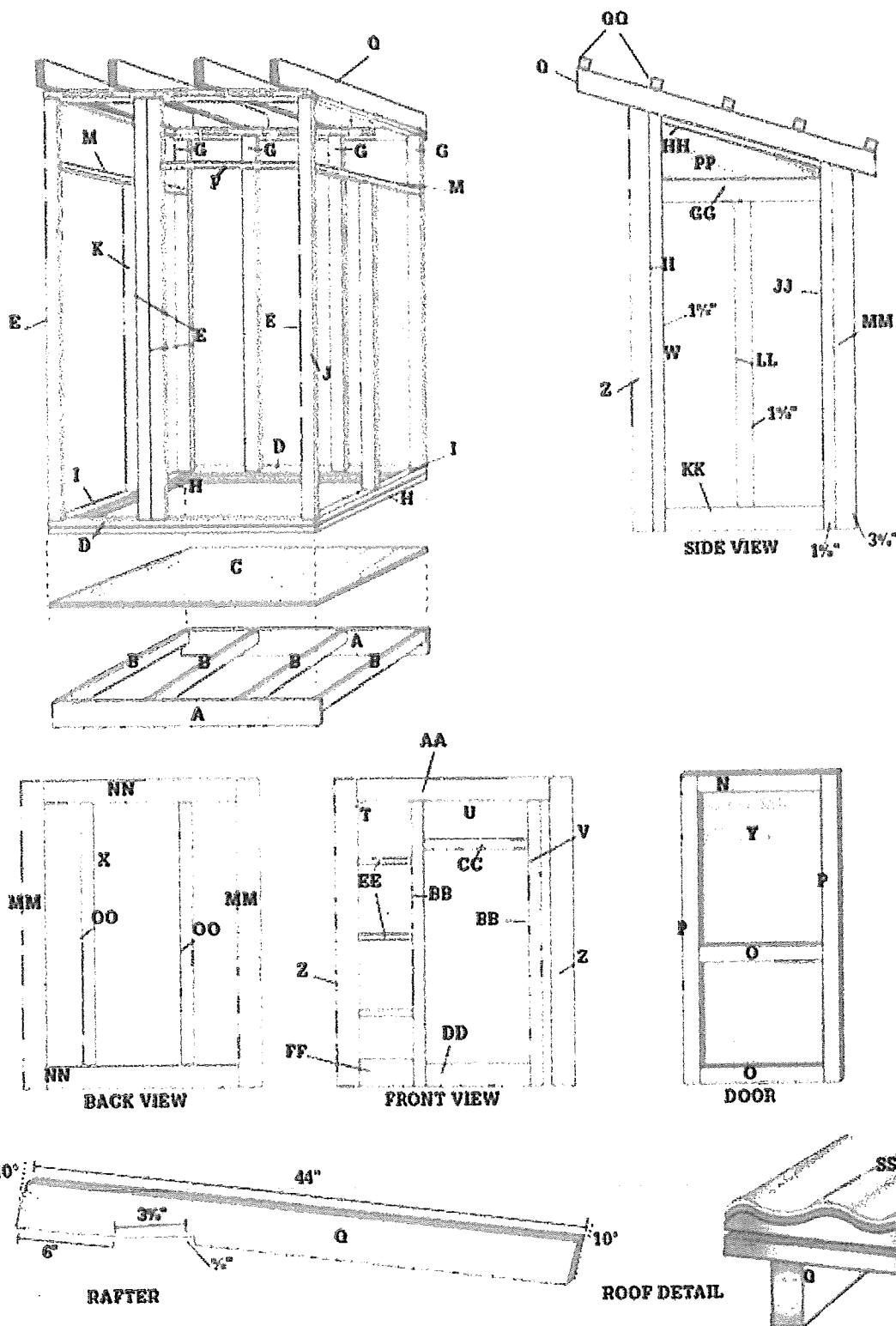


BLACK+DECKER

B+D CONTRIBUTOR

187 Projects

Whether you are working in a garden or on a construction site, getting the job done is always more efficient when your tools are close at hand. Offering just the right amount of on-demand storage, this mini garden shed can handle all of your gardening hand tools but with a footprint that keeps costs and labor low. The mini shed base is built on two 2 x 8 front and back rails that raise the shed off the ground. The rails can also act as runners, making it possible to drag the shed like a sled after it is built. The exterior is clad with vertical-board-style cement board siding. This type of siding not only stands up well to the weather, it is very stable and resists rotting and warping. It also comes preprimed and ready for painting. Cement siding is not intended to be in constant contact with moisture, so the manufacturer recommends installing it at least 6" above the finished ground grading. You can paint the trim



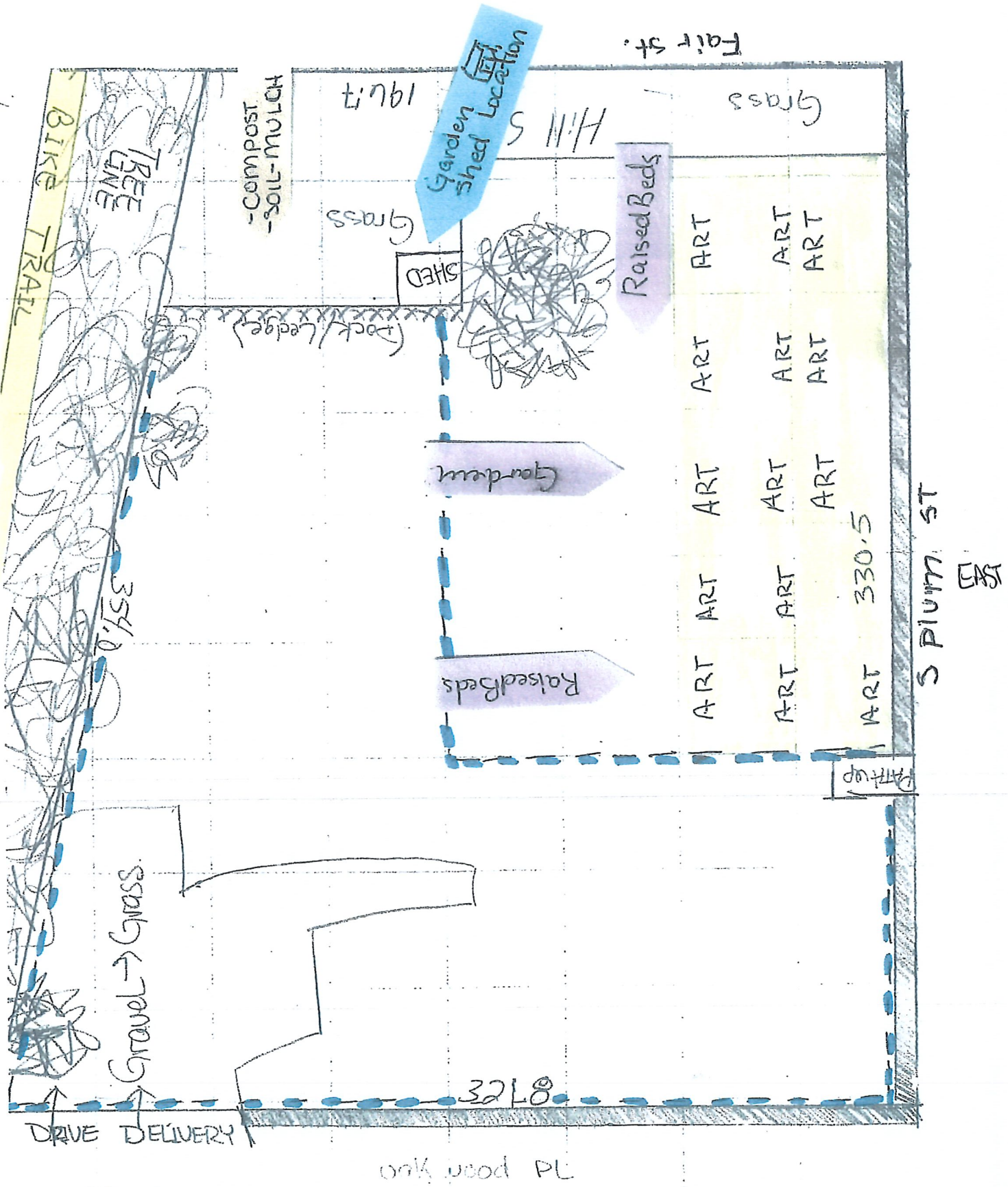
Mini Garden Shed

Build the Base

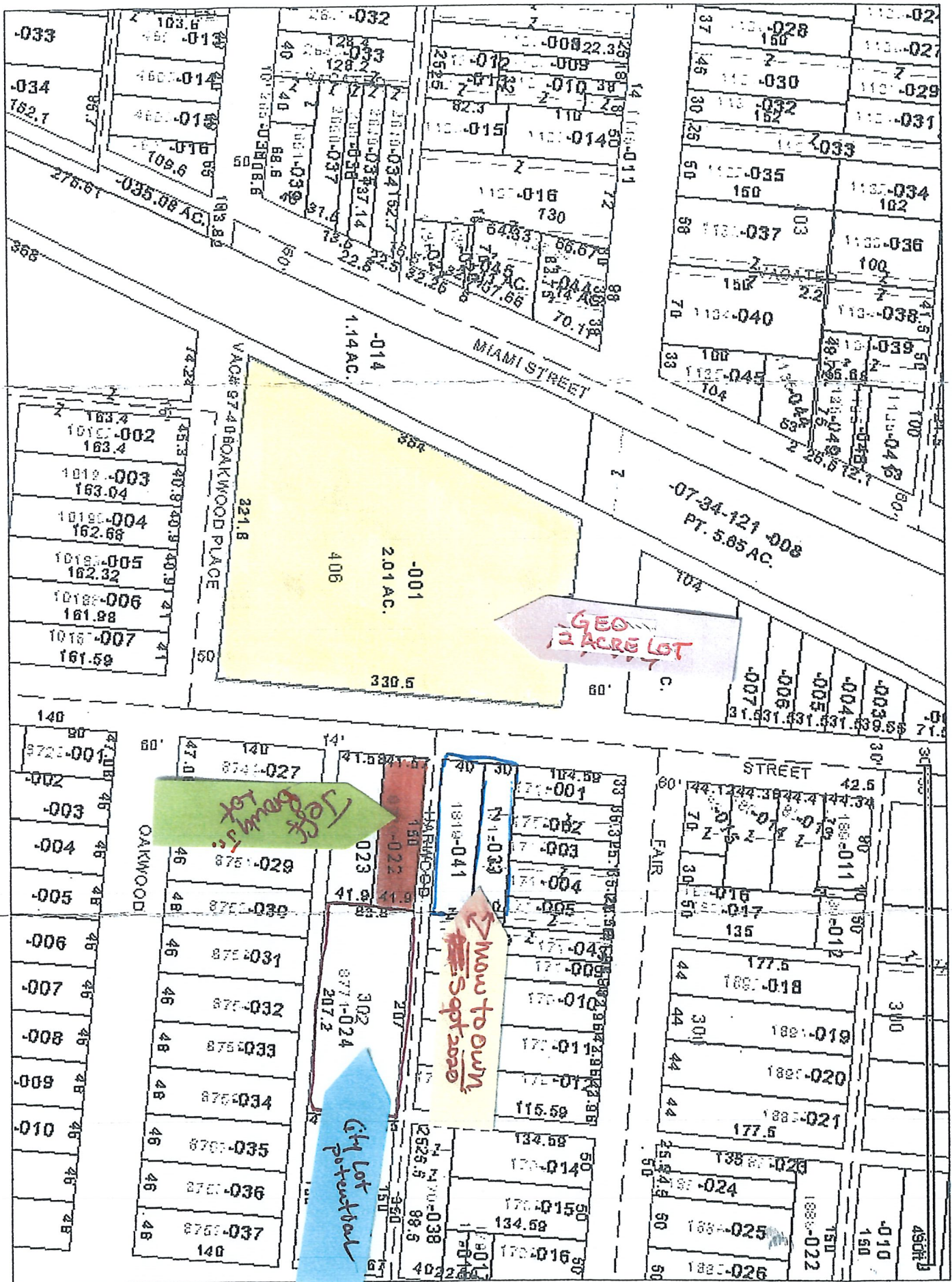
Even though moving it is possible, this shed is rather heavy and will require several people or a vehicle to drag it if you build it in your workshop or garage. When possible, determine where you want the shed located and build it in place. Level a 3 x 5-ft area of ground. The shed base is made of treated lumber, so you can place it directly on the ground. If you desire a harder, more solid foundation, dig down 6" and fill the area with tamped compactable gravel.

Cut the front and back base rails and base crosspieces to length. Place the base parts upside-down on a flat surface and attach the crosspieces to the rails with ²¹/₂" deck screws. Working with the parts upside-down makes it easy to align the top edges flush. Cut the base platform to size. Flip the base frame over and attach the base platform (functionally, the floor) with ¹¹/₂" screws. Set and level the base in position where the shed will be built.

TEST



2



7

11

Clark County Ohio GIS



February 12, 2021

- Search Results
- Municipal Boundary
- Parcel Info.
- Building Footprints
- Road Centerline
- US Routes
- Interstate Routes
- Road Centerline
- County Routes
- Private
- Interstate Routes
- Ramps
- Municipal Streets

1:1,128

0 40 80 160 ft

0 10 20 40 m

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Clark County GIS Department

Green Environmental Outreach Business Model

Chapter 1: General Business Plan

Overview

Green Environmental Outreach (*GEO*) is a Springfield based non-profit group founded by Kenneth Tyree. The group is focused on providing cost-free avenues to health and wellness made available to the city's historically disenfranchised communities and neighborhoods. Specifically, in an effort to proactively combat the food and medicine desert that is Springfield's Southwest quadrant, GEO has launched a cooperative initiative to transform abandoned properties into community gardens maintained by members of GEO. The gardens will provide healthy, organic, cost-free produce to individuals and families in the 45505 and 45506 zip codes. Historically speaking, the above-mentioned zip codes have had little access to opportunities to purchase produce, as these neighborhoods experience little commerce and have suffered from business flight over the past several decades. Furthermore, the lack of options to purchase healthy food in the district has been significantly compounded by a large grocery store that functioned as the district's primary source of purchasable food exiting the area and focusing on their business interests in the city's more affluent north side. This exit serves as analogue to how these neighborhoods have become incrementally disenfranchised, as businesses located in the district have either relocated to areas of higher average household income, or simply dissolved. The result of said disenfranchisement has disproportionately impacted the local population, resulting from lack of local resource, wealth, employment opportunity, and general quality of life.

To combat this lack of resource, GEO has identified, gained ownership of, and developed a cultivation plan for approximately 100,000 ft² of abandoned real estate at and around 741 S Plum St. The goal is to produce, at large scale, a cost-free, community-focused vegetable and medicinal herb garden that will distribute yielded products to local schools, families, and individuals. Through the relative networks of GEO members, vegetable and herb produce will be distributed via strategic partnerships with local elementary schools and public health organizations.

Our team's ability to draw from the vast pool of agricultural and business experience will allow us to operate an effective community garden operation in Springfield, Ohio. In addition, GEO intends to form a diverse Board of Directors to encourage inclusive and varied view points of the need for a community garden in the city's southwest quadrant. We are committed to cultivating the highest quality organically grown produce in a safe and clean environment for the citizens of Springfield, Ohio. As will be demonstrated by our business model, as well as our operations, quality assurance, and financial plans, our team has the necessary experience in agriculture and health related businesses to operate a non-profit entity that will cultivate high quality produce, while strictly complying with all state laws and municipal regulations.

GEO Team

Kenneth Tyree (Founder, Chair, Director)

Ken Tyree is a veteran, minority business owner, and Springfield resident. Among other ventures, Ken is the founder and CEO of the 501c3 entity Green Environmental Outreach (GEO). Additionally, Ken works in health care in Physical Medicine and has devoted a significant amount of time investigating the various metrics that dictate public health measures. Ken firmly believes that persons of every race, religion and financial status are entitled to healthy food and water.

Gerald Moore (President)

Gerald Moore is an entrepreneur, consultant, and creative digital marketer that enjoys creating brands. Additionally, he is well experienced creating incubation spaces for young creatives and entrepreneurs. His passion surrounding this work is result of his understanding of the importance of business ownership and storytelling, in order to create awareness about social justice and inequalities in underserved communities. His skills include creative strategy, leadership, technology, digital marketing, and community

development.

Gerald is a former NFL free agent, Ohio University scholar athlete, team captain and All-American. Gerald holds a BA in Healthcare Administration from Ohio University

Alex Lyons (Vice President)

Alex Lyons is a Springfield native who runs a “living soil” organic permaculture focused farm in Oroville, California. For the last 6 years he has been developing a food forest, which is the combined planting of perennial food and herbs, fruit and nut trees, and annual crops growing symbiotically to create a self-sustaining food system. He is passionate about his belief in the healing of the human body through plant-based food and medicine and is dedicated to the implementation of public health via natural means. Alex’s role in GEO is head community garden coordinator and cultivation planner. He is enthused to bring the permaculture experience from his current farm back to the community that raised him. His goal is to educate others on the value of growing their own food and to empower the community to establish its wellness via natural and healthy produce. Alex also holds a Bachelor of Science degree in Entrepreneurship from Indiana University.

Brittany DeVese (Treasurer)

Brittany DeVese is a health administrative professional and home health care agency owner who works with veteran and geriatric communities to provide high-quality health care. Brittany believes that providing high-quality health care that is effective, patient-centered, safe, and accessible is essential in our increasingly aging society. Brittany has worked over 15 years in different health care arenas to gain experience in caring for the many stages of life, as a function of wellness. Brittany holds the degree Bachelor of Science in Public Health from Kent State University and the degree Master of Science in Health Care Administration from Walden University.

Angela Tyree (Secretary)

Angela Tyree is a Physical Therapist Assistant working with the Combat Veteran population for over 20 years. This patient population is a diverse group, made up of many age groups and social demographics. She believes that giving to her fellow man in ways of equality and diverse opportunities like gardening and healthcare will bring improved quality of life to the veterans she serves. Her skills include adaptivity with disabilities from age related changes as well as traumatic changes in the Veterans life. Angela enjoys incorporating wellness centered therapies into daily living, such as planting raised beds and general gardening, to improve overall quality of life for individuals.

Dr. Surender Neravetla (Board Member)

Dr. Surender Neravetla, a long term well known cardiac surgeon from Springfield Ohio, is passionate about changing the community’s understanding of salt sensitivity and its intrinsic health risks affecting the African American community. He has lectured to all types of audiences across America and the Globe, appeared on TV, radio and print news media. Dr. Neravetla started the cardiac surgery program in Springfield in 1998. His excellence has earned this program several national recognitions for exceeding many national performance benchmarks. A renowned heart surgeon, Dr. Neravetla has been recognized by the consumer research council of America as one of “America’s Top surgeons”. Dr. Neravetla’s greater mission is one of public service, not of profit. His style of education uses simple language, specially commissioned creative illustrations, and interesting stories based on sound, mainstream research leaving the listener convinced and motivated to take real measures to improve wellness.

Mary Moore (Board Member)

Mary Moore serves in a variety of leadership roles in the Springfield, Ohio chapter of Links, Incorporated (a national organization focused on the business and non-profit networking of African American Women). Retired after a notable career in social services, Mary served as Program Manager for Clark

County Family Services and Casework, and Clark County Welfare Department. Awarded the 2004 Community Service Work Mind, Body and Spirit Award for contributions recognized by the Ohio Commission of Minority Health and Elderly United of Springfield and Clark County, Inc. Mary also founded the Organization of Problem Pregnancy Services and is a proud member of AKA Sorority, Inc. Mary and her husband Robert remain in Springfield where they together reared a son, Robert II.

Jason Kabbes (Board Member)

Jason Kabbes has spent most of his professional career as a scientist, educator, and small business founder. Jason has significant horticultural, city planning, and business founding experience that will effectively contribute to the GEO's effort. Jason holds both a Master's Degree in Earth Science with a concentration in Geophysics from The Ohio State University. He has successfully designed and carried out large scale research projects with strict budgetary and temporal framework, under strict university and federal protocols. He petitioned for federal and state grant money for research and tuition costs, under the rigorous procedural and fiscal requirements mandated of an independent research scientist. Jason has founded several businesses in the healthcare space and has extensive experience working with regulatory bodies at both the municipal and state levels. In particular, Jason currently holds three business licenses under the authority of the Ohio Department of Commerce and the Ohio Board of Pharmacy, each requiring annual compliance audits and license renewal. Additionally, Jason is active in helping construct social justice initiatives related to competitive business licensing efforts in Illinois, New Jersey, and Massachusetts.

Jason Williams (Member)

Jason Williams is a 36-year-old Marine Combat Veteran and entrepreneur that owns multiple companies. His businesses span from digital marketing, music and film entertainment all the way to philanthropy works. He offers GEO nearly 20 years of experience. He is based out of Dayton, Ohio and is looking forward to providing continued support to Green Environmental Outreach's cause.

Jeffrey Brown Jr (Member)

Jeffrey Brown Jr is the Community Garden Leader with GEO. He is a 2012 graduate from Eastern Michigan University (EMU) with a Bachelor of Science in Criminal Justice with a concentration in Corrections. Jeff has a true passion for helping the future youth and properly guiding them in the structure and formal upbringing in becoming the next generation of promising world leaders and inventors. I and a few of my high school colleagues decided to come and bring our efforts together to help teach the youth about proper gardening and to promote a healthy nutritional lifestyle. Jeff's ultimate goal with GEO is to bring awareness to communities in the inner city about gardening and how to grow their own garden focused on improving the health of their local community.

501c3 BUSINESS MODEL

Mission Statement:

GEO's mission is to produce safe, consistent, high quality produce for the residents of Springfield, Ohio, while contributing to advancements in research and education regarding organic produce cultivation. Our group desires to promote community understanding of general wellness and nutrition, while contributing to the reduction of needless fatalities related to salt sensitivity and associated cardiovascular disease. Our focus is to constantly tailor both

cultivation methodologies and a wide-spectrum of genetic varieties of produce that result in high yield, efficiently produced top-tier produce that best serves the citizenry of Springfield, while generating maximum return on investment for the community.

GEO's primary objective is to establish a 100,000ft² community garden producing highest quality produce in a manner consistent with applicable law and regulation. Additionally, we plan to distribute the garden's produce to families that would benefit from cost-free organic produce, with a focus on distribution to Springfield's predominantly African American neighborhoods, mitigating the intrinsic risk of the cardiovascular disease prone population. Along with developing unique cultivation methods (no-till living soil, heavy metal mitigation, symbiotic planting, etc.) we will work to build the project site into a community gathering space, focused on healthy living and developing a sense of neighborhood pride. Our key to success will lie in our ability to maintain efficient production, capitalize on collective experience, and strict adherence to the group's guiding principles: *social equity, selfless collaboration, and community wellness.*

Executive Summary:

GEO will build its project around highly skilled individuals in the healthcare, community service, horticultural research, and agricultural industries. The aim is to carry out intensive, high yield production, while avoiding over-production and other operational inefficiencies. During the non-winter seasons, the 501c3 will produce an uninterrupted supply of organically grown produce to the local community, thus building a statewide recognizable template that can be reproduced across Ohio. GEO is committed to the improvement of food production standards from a public health perspective, as well as its guarantee of safely consumable, medically sound produce. The group's personnel carry a unique skill set that will empower it to succeed as an community leader in food production. Led by the collective vision of Kenneth Tyree and Dr. Surender Neravetla, the group also carries the experience and knowledge of well-known Springfield community leader Mary Moore, master grower Alex Lyons, and health care professional Angela Tyree. This project will be SW Springfield based and will contribute to the supply of the local community. Its aim is to expand to phase 2 (200,000ft²), via a property acquisition of adjacent land by 2022. The financial capability to do immediate buildout and production relies on the success of winning grant proposals and raising local funds (philanthropically).

#21-A-14 & 15 S Plum St.





Agenda Item # 10

Case #21-A-16

Conditional Use

STAFF REPORT

TO: Board of Zoning Appeals

DATE: April 14, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-16

GENERAL INFORMATION:

Applicant: Speakeasy Ventures, 365 Ludlow Ave., Springfield, OH 45505

Owner: Speakeasy Ventures, 365 Ludlow Ave., Springfield, OH 45505

Purpose: For a conditional use permit – carry-out only restaurant

Location: 366 Ludlow Ave

Size: 0.17 acre

Existing Land Use and Zoning: Undeveloped, zoned CN-2

Surrounding Land Use and Zoning: North: Residential, RS-8
East: Residential, RS-8
South: Residential, RS-8
West: Commercial, RS-8

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses
Chapter 1113.04 Conditional Uses

File Date: March 29, 2021

BACKGROUND:

The applicant seeks a conditional use permit to open a carry-out only restaurant. The parcel was rezoned from RS-8 to CN-2 in 2021. The restaurant will have limited seating for patrons to wait to receive their food. Five off-street parking spaces will be required for this type of restaurant.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and

shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes, it does.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

STAFF RECOMMENDATION:

Approval of the conditional use permit.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

**FOR OFFICE USE ONLY**Case #: 21-A-16Date Received: 3/29/21Received by: STApplication Fee: \$ 285

Review Type:

☐ Admin ☐ CPB ☒ BZA**GENERAL APPLICATION****A. PROJECT**

1. Application Type & Project Description (attach additional information, if necessary):

Building a smokehouse and sell BBQ to-go2. Address of Subject Property: 366 Ludlow Ave.3. Parcel ID Number(s): 34007000282140074. Full legal description attached? ☐ yes ☒ no5. Size of subject property: Perimeter: 399.891 ft.6. Current Use of Property: Vacant lot7. Current Zoning of Property: Residents**B. APPLICANT**1. Applicant's Status (attach proof of ownership or agent authorization) ☒ Owner☐ Agent (agent authorization required)☐ Tenant (agent authorization required)2. Name of Applicant(s) or Contact Person(s): Kim Frazier
(Kimberly)Title: Owner

Company (if

applicable):

Speakeasy Ramen Ventures

Mailing address:

365 Ludlow AveCity: Springfield State: OH ZIP: 45505Telephone: (937) 324-3222 Fax: ()

Email

speakeasy_ramen@gmail.com

3. If the applicant is agent for the property owner:

Name of Owner (title holder): Speakeasy Ventures LLC

Mailing Address: 408 Tuttle Road

City: Springfield State: OH ZIP: 45503

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

Kimberly Frazier
Signature of Applicant

Signature of Co-applicant

Kimberly Frazier
Typed or printed name and title of applicant

Typed or printed name of co-applicant

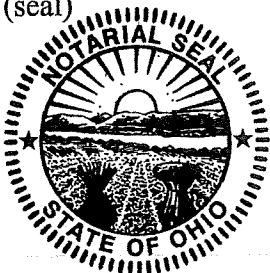
State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 30 day of
March, 2021

by Kimberly Frazier (name of person acknowledged).

(seal)



Sabrina J Tackett

Notary Public, State of Ohio

My Commission Expires:

October 05, 2024

Sabrina Tackett
Notary Public Signature

My commission expires: 10/5/2024



CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 3/20/21

Property address: 366 Ludlow Ave

Requested Action: ☐ Conditional Use
☒ Interpretation of the Zoning Code or Map
☐ Change of a Nonconforming Use
☐ Other

Section of the Zoning code applicable: 50

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

Building a smokehouse to sell BBQ
to-go


Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

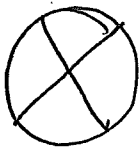
TO bring, again, something different to
Springfield by serving low country
style bbq, slow smoked and served
to-go only.

Signature:  3/30/21
Applicant Date

Please Print Name: Kimberly Erazier, Owner

Lydlow Ave

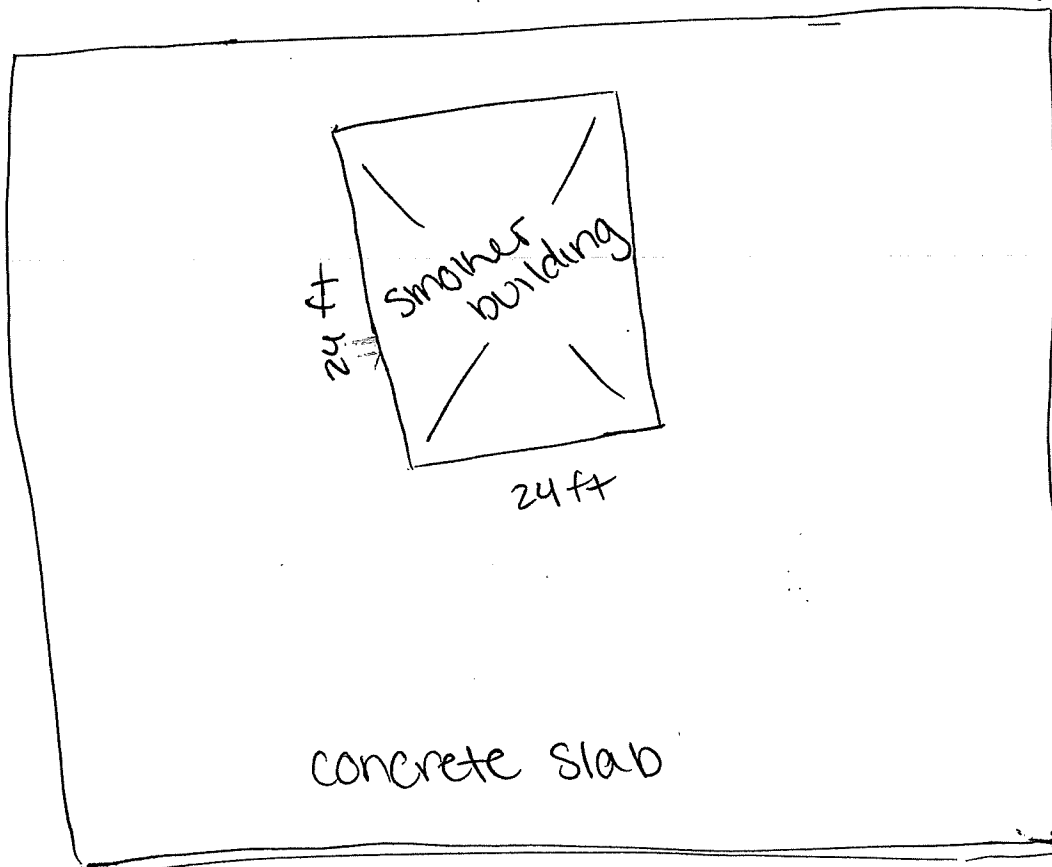
sidewalk



Tree



Gravel Alley

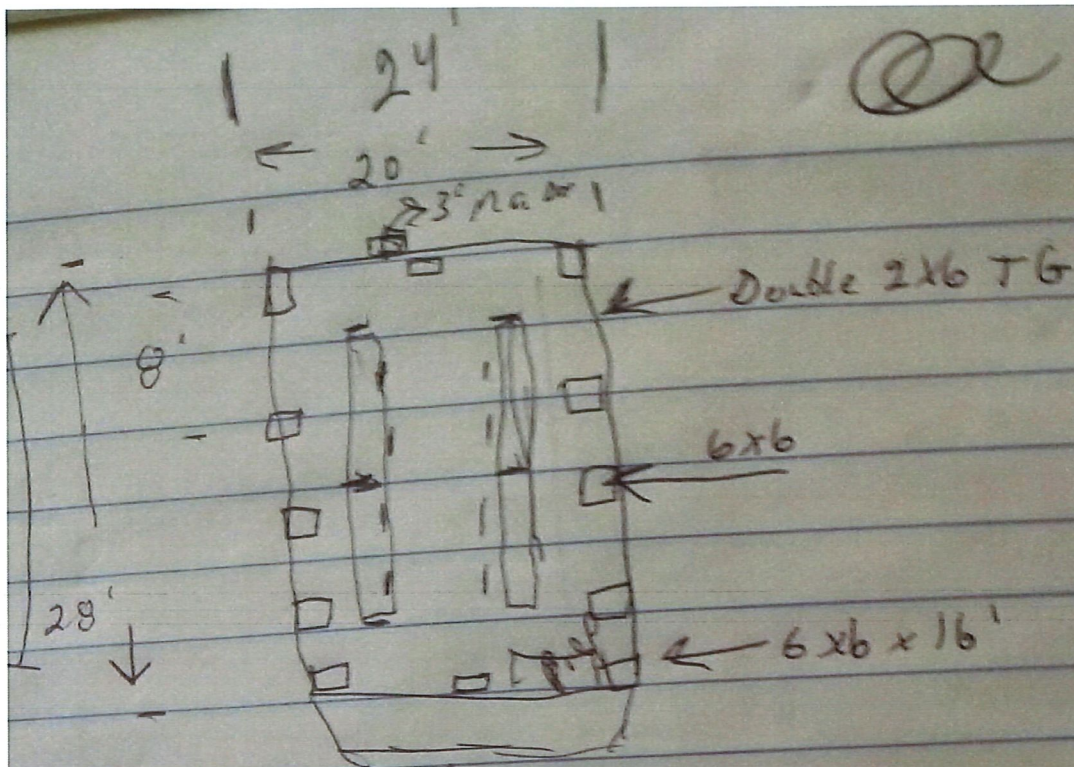


50 ft

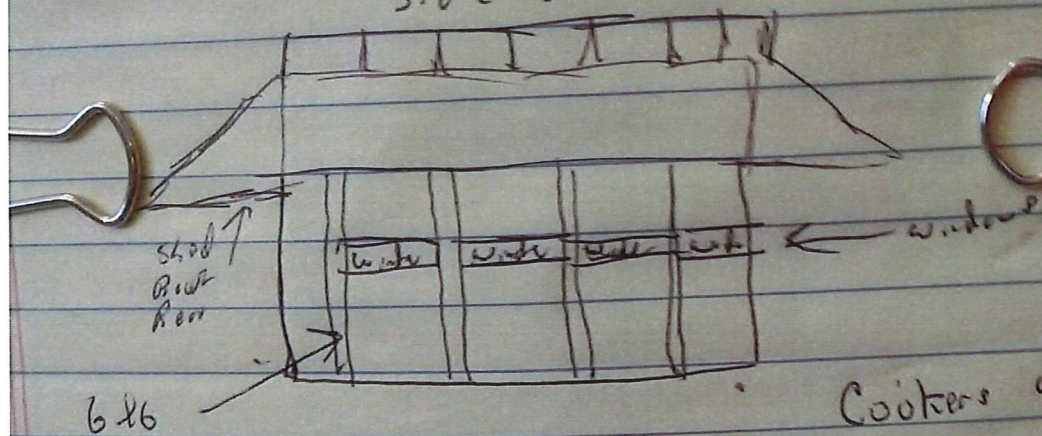
11 ft

BAKER CARL E & NANCY A	1623 LEXINGTON AVE	SPRINGFIELD, OH 45505
BAKER CARL E & NANCY A	1623 LEXINGTON AVE	SPRINGFIELD, OH 45505
BEAR BUTT LLC	2790 E LEFFEL LN	SPRINGFIELD, OH 45505
COLE SARAH E & LONNIE JR	361 LINWOOD AVE	SPRINGFIELD, OH 45505
COOPER JON	1617 CHARLES ST	SPRINGFIELD, OH 45505
COOPER LISA A & JOHN E WISSINGER II	2531 W JACKSON RD	YELLOW SPRINGS, OH 45387
CROUCHER ALVIN T	6405 MOOREFIELD RD	SPRINGFIELD, OH 45502
CYDRUS WILLIAM & PATRICIA	1629 LEXINGTON AVE	SPRINGFIELD, OH 45505
GARLIND PROPERTIES LTD	2800 SPRINGFIELD JAMESTOWN RD	SPRINGFIELD, OH 45505
GILMORE JOSHUA TRUSTEE	3148 WOONSOCKET ST	SPRINGFIELD, OH 45503
GUGLIEMELLI EMILIO	256 W 18TH ST	UPLAND, CA 91784
HESS PAMELA S YOUNG	1622 LEXINGTON AVE	SPRINGFIELD, OH 45505
HOWALD JACOB	2579 TECUMSEH AVE	SPRINGFIELD, OH 45503
ISSACS CAROLYN & MICHAEL TURNER	3019 HILLDALE RD	SPRINGFIELD, OH 45505
JONES DENNIS & PAULA	476 CARILLION DR	SPRINGFIELD, OH 45503
MC CLANAHAN GUY	363 LUDLOW AVE	SPRINGFIELD, OH 45505
MOHAMMAD ABDULLAH MOHAMMAD HARB	357 LUDLOW AVE	SPRINGFIELD, OH 45505
NAGY MICHAEL & ANGELA S	1720 LEXINGTON AVE	SPRINGFIELD, OH 45505
OTY DAVID D & ANNABELL	1719 LEXINGTON AVE	SPRINGFIELD, OH 45505
SPEAKEASY VENTURES LLC	365 LUDLOW AVE	SPRINGFIELD, OH 45505
STANDLEY BLAIRE R & DIANNA L	378 LUDLOW AVE	SPRINGFIELD, OH 45505
STANDLEY LISA M	1712 LEXINGTON AVE	SPRINGFIELD, OH 45505
THOMPSON PETRA N	1721 LEXINGTON AVE	SPRINGFIELD, OH 45505
TURNER MICHAEL A & CAROLYN A ISAACS	3019 HILLDALE RD	SPRINGFIELD, OH 45505
TURNER RENE A D	2737 WOODTHRUSH RD	SPRINGFIELD, OH 45502
CAROLYN ISSACS	411 E LEE DR	TUNNEL HILL, GA 30755





Side View

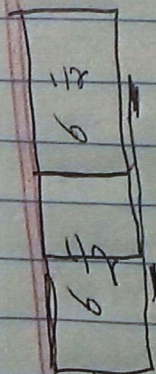


Cookers 4 1/2 x 6 1/2'
Height 4' T

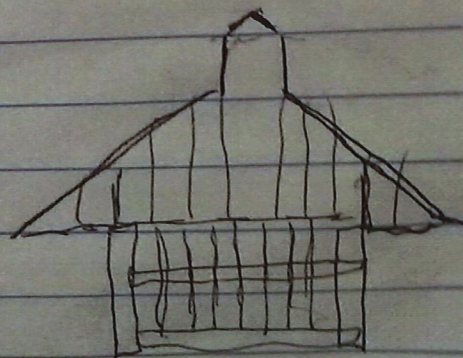
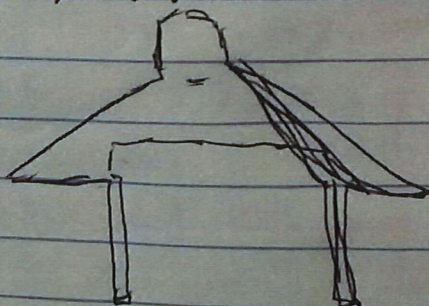
Side by Side

3 Ribbed Siding Exterior
8 Windows 1' x 6' Slider
1 Rear Main door

Top of



Stinger
AOT



Front

50-514-5324

4-10-21
411 E. Lee Dr.
Tunnel Hill, Ga.
30755

Dear Mr. Thompson,

As owner of 372 Ludlow Ave,
I am hereby objecting to Zoning
Appeals Case # 21-AJ-16.

As upon consideration of a
Carry Out BBQ place of business
to be operated on the Ludlow Ave
area, my main concern is that
parking is totally inadequate.

At present most residents have
two cars. The present business in
operation, takes many parking
places, and residence continually
complain of no where to park.

Our Code Enforcement, Mr. Honey
white has been there several times
to enforce the laws of no parking
on grass or property, only on the
street -

If you find it in favor of permit-
ting this business to continue, I
know it will be a nuisance to
residence, lower property values,
and continued parking problems.

I would also advise at least an
8 ft. wood fence along my property

2/ line - For security, privacy,
and to obstruct the (next door)
business -

Thank you for your attention
in this matter -

I know if I were in residence
of a BBQ Business to be operated
next to my dwelling I would
strongly object - I am certain
most home owners would feel
the same.

Thank you for your consideration
on this matter -

Sincerely,

Carolyn Isaacs

#21-A-16
366 Ludlow Ave.



#21-A-16
366 Ludlow Ave.





Agenda Item # 11

Case #21-A-17

Conditional Use

STAFF REPORT

TO: Board of Zoning Appeals

DATE: April 14, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-17

GENERAL INFORMATION:

Applicant: Daniel Persinger, 800 Snowhill Blvd., Springfield, OH 45504

Owner: Daniel Persinger, 800 Snowhill Blvd., Springfield, OH 45504

Purpose: For a conditional use permit – community center (community garden)

Location: 406-414 Sherman Ave.

Size: 0.45 acre

Existing Land Use and Zoning: Undeveloped, zoned RS-8

Surrounding Land Use and Zoning: North: Residential, RS-8
East: Residential, RS-8
South: Residential, RS-8
West: Residential, RS-8

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses
Chapter 1108.04 Conditional Uses

File Date: March 29, 2021

BACKGROUND:

The applicant seeks a conditional use permit to start a community garden.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes, it does.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

STAFF RECOMMENDATION:

Approval of the conditional use permit.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

**FOR OFFICE USE ONLY**

Case #: 21-A-17*18
Date Received: 3/29/21
Received by: ST
Application Fee: \$ 285
Review Type:

☐ Admin ☐ CPB ☒ BZA

GENERAL APPLICATION**A. PROJECT**

1. Application Type & Project Description (attach additional information, if necessary):

Variance request for a fence and
Conditional use request for a garden

2. Address of Subject Property: 406-414 Sherman Ave, Springfield, OH 45503

3. Parcel ID Number(s): _____

4. Full legal description attached? ☒ yes ☐ no

5. Size of subject property: 0.45 acre

6. Current Use of Property: Undeveloped

7. Current Zoning of Property: RS-8

B. APPLICANT

1. Applicant's Status (attach proof of ownership or agent authorization) ☒ Owner

☐ Agent (agent authorization required) ☐ Tenant (agent authorization required)

2. Name of Applicant(s) or Contact Person(s): Daniel Persinger

Title: _____

Company (if applicable): _____

Mailing address: 800 Snowhill blvd., Springfield, OH 45504

City: Springfield State: OH ZIP: 45504

Telephone: (937) 308-3020 Fax: () _____

Email persinger107@gmail.com

3. If the applicant is agent for the property owner:

Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

Daniel Persinger
Signature of Applicant

Signature of Co-applicant

Daniel Persinger
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 25th day of
MARCH, 2021

by Krystal Rhyan (name of person acknowledged).

(seal)



Krystal N. Rhyan
Notary Public, State of Ohio
My Commission Expires 10/09/2023

Krystal Rhyan
Notary Public Signature

My commission expires: 10/09/2023



Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 3/22/21

Property address: #106-414 Sherman Ave, Springfield, OH 45503

Section of the Zoning code applicable: _____

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

Fence to be built around the property

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

The fence will improve the appearance of
the property, keep my children safely off the
road and control foot traffic through
the property once a garden is planted.

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

The property cannot safely be used for my intended purpose of a garden without the proposed fence.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

The property already had partial fencing that was in disrepair when houses were present on the property. Rebuilding a fence will not be a substantial modification.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

We plan to build an aesthetically pleasing fence.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

It will not.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

Yes

6. There is no other feasible method of solving the property owner's predicament.

There is not.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

It will.

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

Dan Persinger
Signature of Applicant

Signature of Co-applicant

Daniel Persinger
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 25th day of
MARCH, 2021

by Krystal Rhyan (name of person acknowledged).

(seal)

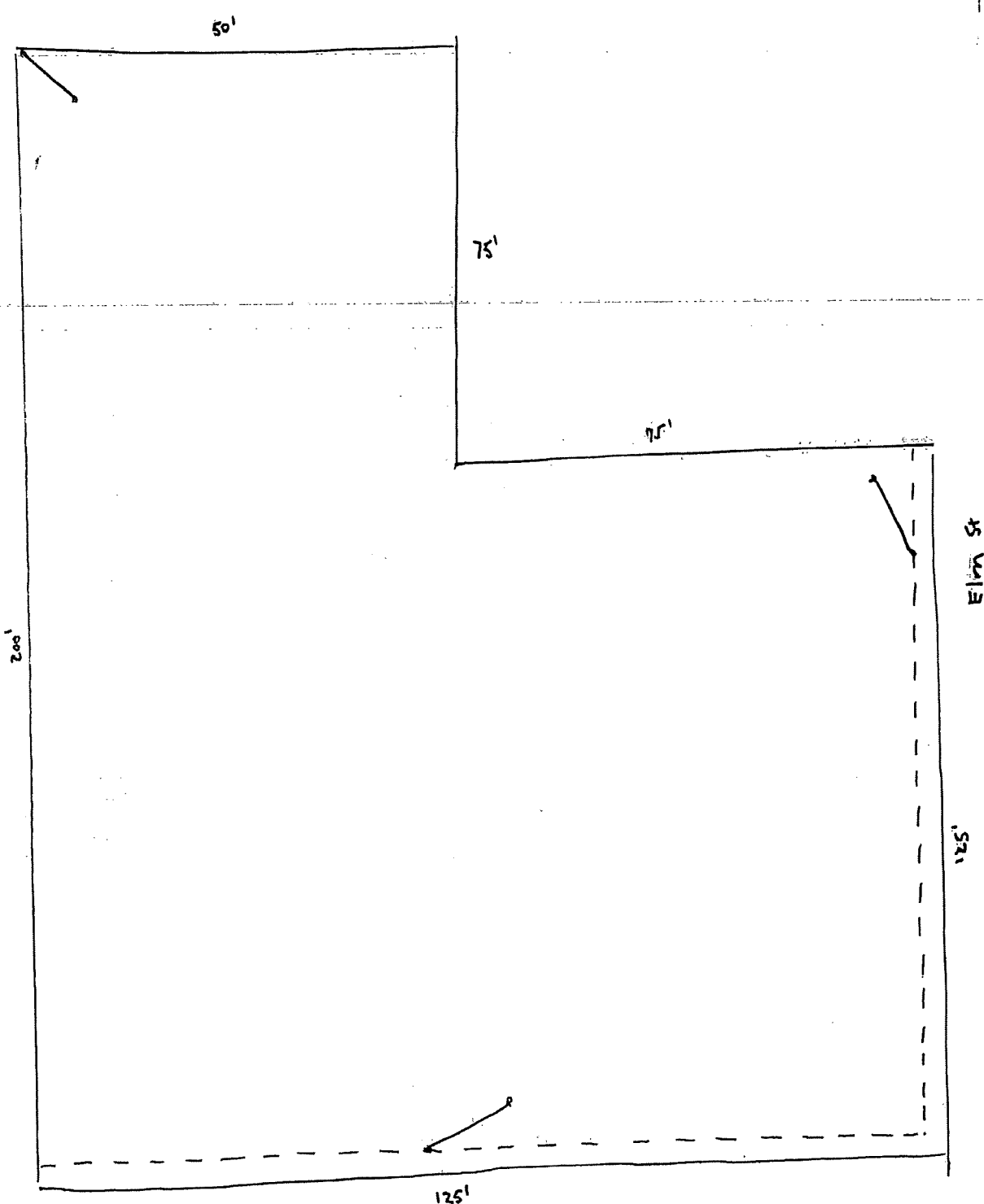


Krystal N. Rhyan
Notary Public, State of Ohio
My Commission Expires 10/09/2023

Krystal Rhyan
Notary Public Signature

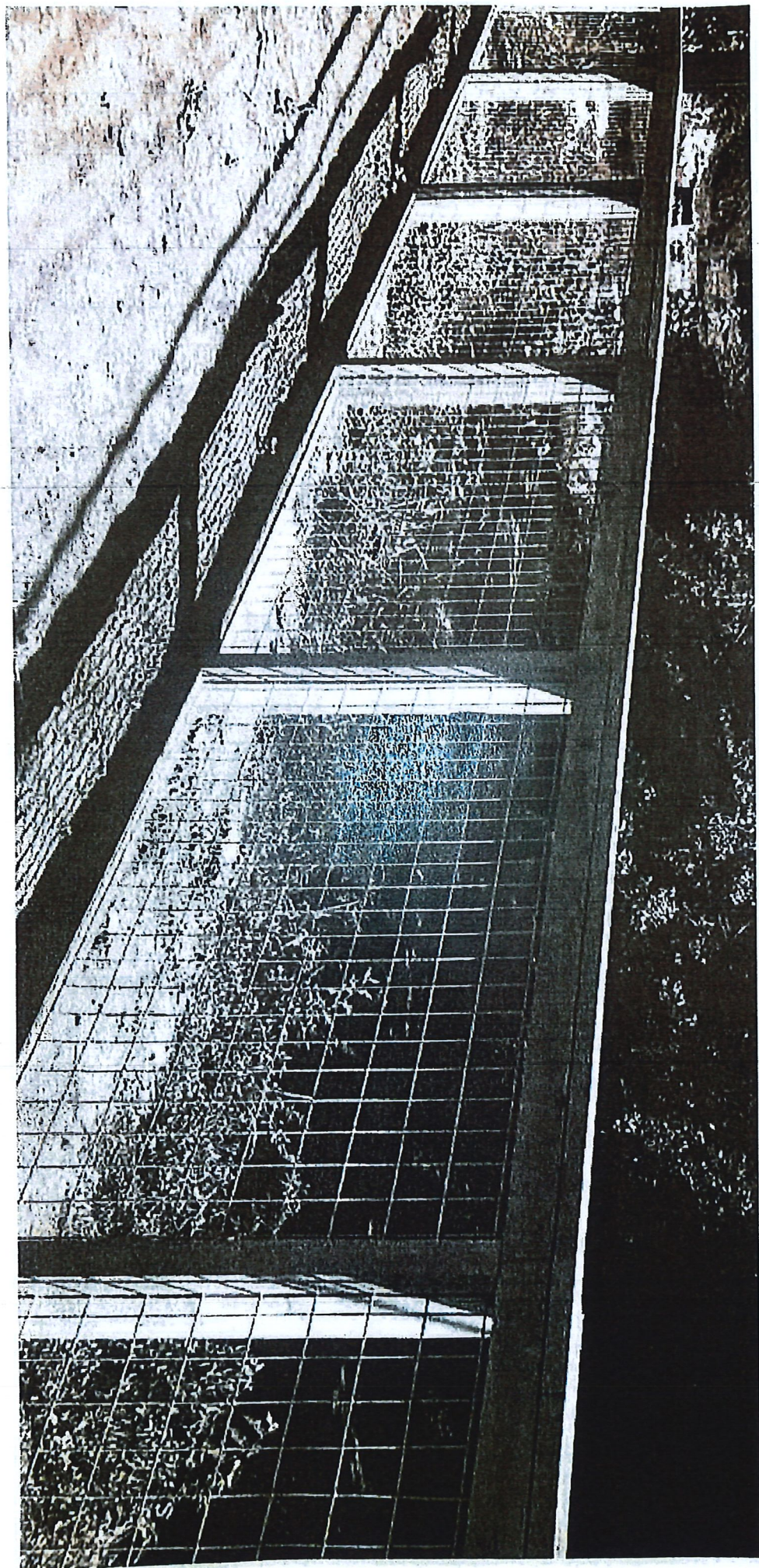
My commission expires: 10/09/2023

Alley



Sherman Ave

--- Fence
— Gate



#21-A-17 & 18
406-414 Sherman Ave.



Agenda Item # 12

Case #21-A-18

Conditional Use

STAFF REPORT

TO: Board of Zoning Appeals

DATE: April 14, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-18

GENERAL INFORMATION:

Applicant: Daniel Persinger, 800 Snowhill Blvd., Springfield, OH 45504

Owner: Daniel Persinger, 800 Snowhill Blvd., Springfield, OH 45504

Purpose: For a variance from Chapter 1101.03 to allow for accessory structures on a lot without a permanent structure

Location: 406-414 Sherman Ave.

Size: 0.45 acre

Existing Land Use and Zoning: Undeveloped, zoned RS-8

Surrounding Land Use and Zoning: North: Residential, RS-8
East: Residential, RS-8
South: Residential, RS-8
West: Residential, RS-8

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses
Chapter 1108.04 Conditional Uses

File Date: March 29, 2021

BACKGROUND:

The applicant seeks a variance to construct an accessory structure on a lot without a principal structure. The fence will help protect the produce grown in the garden from foot traffic and improve the appearance of the property.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law

governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes.

2. Whether the variance is substantial;

Staff Comment: Yes.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: No.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: No.

6. Whether the property owner’s predicament can be obviated through some method other than a variance; or

Staff Comment: Yes.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

STAFF RECOMMENDATION:

Approval of the variance.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

#21-A-17 & 18
406-414 Sherman Ave.







■ Planning & Zoning

FOR OFFICE USE ONLY

Case #: 21-A-17*18

Date Received: 3/29/21

Received by: ST

Application Fee: \$ 285

Review Type:

☐ Admin ☐ CPB ☒ BZA

GENERAL APPLICATION

A. PROJECT

1. Application Type & Project Description (attach additional information, if necessary):

Variance request for a fence and
Conditional use request for a garden

2. Address of Subject Property: 406-414 Sherman Ave, Springfield, OH 45503

3. Parcel ID Number(s): _____

4. Full legal description attached? ☒ yes ☐ no

5. Size of subject property: 0.45 acre

6. Current Use of Property: Undeveloped

7. Current Zoning of Property: RS-8

B. APPLICANT

1. Applicant's Status (attach proof of ownership or agent authorization) ☒ Owner

☐ Agent (agent authorization required) ☐ Tenant (agent authorization required)

2. Name of Applicant(s) or Contact Person(s): Daniel Persinger

Title: _____

Company (if applicable): _____

Mailing address: 800 Snowhill blvd., Springfield, OH 45504

City: Springfield State: OH ZIP: 45504

Telephone: (977) 308-3020 Fax: () _____

Email persinger107@gmail.com

3. If the applicant is agent for the property owner:

Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

Daniel Persinger
Signature of Applicant

Signature of Co-applicant

Daniel Persinger
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 25th day of
MARCH, 2021

by Krystal Rhyon (name of person acknowledged).

(seal)



Krystal N. Rhyon
Notary Public, State of Ohio
My Commission Expires 10/09/2023

Krystal Rhyon
Notary Public Signature

My commission expires: 10/09/2023



☒ Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 3/22/21

Property address: 404-414 Sherman Ave, Springfield, OH 45503

Requested Action: ☒ Conditional Use
☐ Interpretation of the Zoning Code or Map
☐ Change of a Nonconforming Use
☐ Other

Section of the Zoning code applicable: _____

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

We plan to use the property as a garden

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

Signature: _____

Applicant

3/22/21

Date

Please Print Name: _____

Daniel Persinger

APPROVED
Clark County Tax Map

JAN 06 2021

☒ Legal Description
☐ Survey Plat / Lotsplit
☐ Subdivision / Annexation

Transferred
Sale Price 144,000
66
JAN -7 2021

John S. Federer
Auditor

202100000294 01/07/2021 11:03 AM
Filed for Record in CLARK County, Ohio
Nancy Pence, Recorder Rec Fees: \$42.00
WARR OR Vol 2183 Pgs 4571 - 4573

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that **Clark County Land Reutilization Corporation**, a not-for-profit corporation organized and existing under the laws of the State of Ohio, for valuable consideration paid, GRANT(S), with **Limited Warranty Covenants**, to **Daniel Persinger**, whose tax mailing address is **800 Snowhill Blvd., Springfield, Ohio 45504**, the following **REAL PROPERTY**:

PARCEL I:

Situated in the City of Springfield, County of Clark and State of Ohio and bounded and described as follows:

Beginning at an iron pipe in the north line of Sherman Avenue and in the southeast corner of said Lot #1995, said pipe being N. 82 degrees W., 100 feet from a stone at the northwest corner of Elm Street and Sherman Avenue; thence N. 2 degrees E. with the east side of Lot #1995, 200 feet to the northeast corner of said lot and to an iron pipe in the south line of a 16.5 feet East-West alley; thence N. 88 degrees W., 25 feet to an iron pipe; thence S. 2 degrees W., 200 feet to an iron pipe, the place of beginning. Said parcel being the east half of Lot #1995, Rodger's 2nd Addition, Springfield, Ohio, plat of which is recorded in Plat Book 4, Page 66 of the Plat Records of Clark County, Ohio.

PARCEL I.D. 340-07-00035-226-020

More commonly known: 406 Sherman Avenue, Springfield, Ohio 45503

Prior Instrument Ref.: Vol. 2182, Page 4345

PARCEL II:

Situated in the City of Springfield, County of Clark and State of Ohio, and bounded and described as follows, to wit:

Being twenty-five (25) feet off the west side, which is the west one-half of Lot No. One Thousand Nine Hundred Ninety-Six (1996), as the same is numbered on the plat of lots known as Robert Rodger's 5th Addition to said City of Springfield, which is recorded in Plat Book 4, Page 66 of the Plat Records of Clark County, Ohio.

PARCEL I.D. 340-07-00035-226-021

More commonly known: 408 Sherman Avenue, Springfield, Ohio 45503

Prior Instrument Ref.: Vol. 2182, Page 4337

PARCEL III:

Situate in the City of Springfield, in the County of Clark, and the State of Ohio, and bounded and described as follows, to wit:

Being part of Lots Number 1904 and 1996, as the same are numbered and designated on the plat of Robert Rodger's Fourth and Fifth Addition to the City of Springfield, Ohio, which plat is recorded in Volume 4, Page 66 of the Plat Records of Clark County, Ohio.

OHIO REAL ESTATE TITLE INC
1111 NORTH PLUM STREET
SUITE 9
SPRINGFIELD, OH 45504

Beginning at a metal pin in the south line of Lot Number 1904 and in the north line of Sherman Avenue, said pin being North 88 deg. 00' West 37.0 feet from a stone at the southeast corner of Lot Number 1904; thence North 2 deg. 00' East, parallel to Elm Street, 124.5 feet; thence North 88 deg. 00' West, parallel to Sherman Avenue, 38.0 feet, passing the east line of Lot Number 1996 at 13.0 feet; thence South 2 deg. 00' West, parallel to Elm Street, 124.5 feet to a metal pin in the north line of Sherman Avenue and in the south line of Lot Number 1996; thence South 88 deg. 00' East, along the north line of Sherman Avenue and the south lines of Lots Number 1996 and 1904, 38.0 feet to the place of beginning, passing the east line of Lot Number 1996 at 25.0 feet.

Also hereby conveyed are all rights which Grantors may have over a strip of ground ten (10) feet in width for the purposes of egress and ingress off the north end of the premises immediately east of the within described real estate.

Subject to easements and covenants of record.

PARCEL I.D. 340-07-00035-226-024

More commonly known: 410 Sherman Avenue, Springfield, Ohio 45503

Prior Instrument Ref.: Vol. 2182, Page 4341

PARCEL IV:

Situate in the City of Springfield, in the County of Clark and the State of Ohio, and bounded and described as follows:

Being part of Lot Number 1904 as the same is numbered and designated on the plat of Robert Rodgers' Fourth and Fifth Addition to the City of Springfield, Ohio, which plat is recorded in Vol. 4, Page 66 of the Plat Records of Clark County, Ohio.

Beginning at a stone at the southeast corner of Lot Number 1904 at the intersection of the north line of Sherman Avenue and the west line of Elm Street; thence North 2° 00' East, along the east line of Lot Number 1904, and the west line of Elm Street, 124.5 feet to a metal pin; thence North 88° 00' West, parallel to Sherman Avenue, 37.0 feet; thence South 2° 00' West, parallel to Elm Street, 124.5 feet to a metal pin in the north line of Sherman Avenue; thence South 88° 00' East, along the north line of Sherman Avenue and the south line of Lot Number 1904, 37.0 feet to the place of beginning.

RESERVING AND EXCEPTING a right-of-way over a strip 10.0 feet wide and 37.0 feet long across the north side of the above described property for the uses and purpose of ingress and egress to the premises immediately west of the above described property.

PARCEL I.D. 340-07-00035-226-025

More commonly known: 414 Sherman Avenue, Springfield, Ohio 45503

Prior Instrument Ref.: Vol. 2182, Page 4349

EXCEPTING taxes and assessments due and payable this date and thereafter, which said taxes and assessments the Grantee herein as part of the consideration hereof assumes and agrees to pay.

EXECUTED by Grantor, who has caused its corporate name to be subscribed hereto by Anette S. Pequignot, its Secretary, thereunto duly authorized by resolution of its Board Of Directors, this **December 28, 2020**.

Clark County Land Reutilization Corporation

By: _____

Anette S. Pequignot, its Secretary



202100000294
BK 2183 PG 4573

STATE OF OHIO, COUNTY OF Clark:

BEFORE ME, the undersigned authority, a Notary Public in and for said State and County, personally appeared the above-named GRANTOR, **Clark County Land Reutilization Corporation**, by **Anette S. Pequignot**, its **Secretary** who represented to me to be said person and who signed the foregoing instrument and acknowledged the same to be her voluntary act and deed individually and as such officer of said Corporation, pursuant to authority of its Board Of Directors.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and affixed my seal on this **December 28, 2020**.

Notary Public - State of Ohio



THERESA A. HARTLEY
Notary Public, State of Ohio
My Commission Expires February 7, 2021

This Instrument Prepared By:
David R. Miles, Attorney at Law
1160 East Dayton-Yellow Springs Road
Fairborn, Ohio 45324

2021 BOARD OF ZONING APPEALS ATTENDANCE

BOARD MEMBERS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	20	17	15	19	17	21	19	16	20	18	15	20
Dori Gaier Reso. 6048	P	P	P									
Denise Williams Reso. 6059	P	A	P									
Matthew Ryan Reso. 5839	P	A	A									
Mark Brown Reso. 5869	P	P	A									
James Burkhardt Reso. 5880	A	P	P									
Rhonda Zimmers Reso. 5914	P	P	P									
Charles Harris Reso. 6069	P	P	P									

NOTE: The first date shown is the original appointment/reappointment date. The second date represents the most recent term's expiration.
The City Commission Resolution is also listed.



Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION

City Planning Board
Regular Meeting - First Monday following the First Tuesday of the Month
7:00 P.M. - City Forum, City Hall, 76 E. High St., Springfield, Ohio

City Planning Board Meeting Date:	Lotsplit Variance, Rezoning, and Final Subdivision Application Deadline:
January 11, 2021	December 21, 2020
February 8, 2021	January 15, 2021
March 8, 2021	February 12, 2021
April 12, 2021	March 22, 2021
May 10, 2021	April 19, 2021
June 7, 2021	May 17, 2021
July 12, 2021	June 21, 2021
August 9, 2021	July 19, 2021
September 13, 2021	August 23, 2021
October 11, 2021	September 20, 2021
November 8, 2021	October 18, 2021
December 13, 2021	November 22, 2021

Board of Zoning Appeals
Regular Meeting-Third Monday of the Month
7:00 P.M.- City Forum, City Hall, 76 E. High St., Springfield, Ohio

Board of Zoning	Application Deadline:
January 20, 2021 *	December 28, 2020
February 17, 2021 *	January 25, 2021
March 15, 2021	February 22, 2021
April 19, 2021	March 29, 2021
May 17, 2021	April 26, 2021
June 21, 2021	May 28, 2021
July 19, 2021	June 28, 2021
August 16, 2021	July 26, 2021
September 20, 2021	August 30, 2021
October 18, 2021	September 27, 2021
November 15, 2021	October 25, 2021
December 20, 2021	November 29, 2021

* Denotes meeting day changed to Wednesday due to holiday.

Effective Date: December 2020

Prepared by the Planning and Zoning Division

2021 CITY COMMISSION CALENDAR

JANUARY 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
MARCH 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	Retreat		
MAY 2021						
Su	M	Tu	W	Th	F	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31				Election Day	
JULY 2021						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
SEPTEMBER 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
NOVEMBER 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	Budget Mtgs		Election Day	

FEBRUARY 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						
APRIL 2021						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
JUNE 2021						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
AUGUST 2021						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
OCTOBER 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
DECEMBER 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	